

DOCUMENT RESUME

ED 301 012

EC 211 759

TITLE Employment: Topic Paper B.
INSTITUTION National Council on the Handicapped, Washington, DC.
PUB DATE 1 Feb 86
NOTE 101p.; In: Toward Independence: An Assessment of Federal Laws and Programs Affecting Persons with Disabilities--with Legislative Recommendations. Appendix: Topic Papers. A Report to the President and the Congress of the United States; see EC 211 757.
PUB TYPE Reports - Descriptive (141) -- Viewpoints (120)
EDRS PRICE MF01/PC05 Plus Postage.
DESCRIPTORS Agency Role; *Disabilities; *Employment Opportunities; *Employment Programs; Federal Aid; *Federal Legislation; *Federal Programs; Government Role; Job Placement; Job Training; Models; Private Agencies; *Transitional Programs; Vocational Education
IDENTIFIERS Job Training Partnership Act 1982; Office of Special Educ Rehabilitative Services; Rehabilitation Act 1973; *Supported Work Programs

ABSTRACT

As part of a series of topic papers assessing federal laws and programs affecting persons with disabilities, this paper focuses on employment programs and initiatives. Described are (1) the transition model of the Office of Special Education and Rehabilitative Services (OSERS), which emphasizes a solid educational foundation and adequate community-based employment opportunities, and (2) the financial support provided by OSERS for development of transitional services. The supported work model of OSERS encourages local development of work opportunities in a variety of settings, through training, supervision, and/or transportation, and calls for the provision of whatever support is needed to maintain that employment. Legislation directly affecting transition and supported work are described, and several gaps in programs and legislation are identified. Placement initiatives which enable persons with disabilities to enter or reenter the labor market are discussed, including the Rehabilitation Act of 1973, the Job Training Partnership Act, disabled veterans programs, President's Committee on Employment of the Handicapped, and initiatives by nonprofit organizations and the private sector. Eight legislative changes are recommended to increase employment among people with disabilities, focusing on transition from school to work, sheltered employment, private sector initiatives, job training, job development, and placement. Five pages of references are provided. (JDD)

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TOPIC PAPER B:

EMPLOYMENT

National Council on the Handicapped

February, 1986

EC 211759

ACKNOWLEDGMENT

This is one of a series of ten topic papers developed by the National Council on the Handicapped as part of its Special Report to the President and Congress: TOWARD INDEPENDENCE: An Assessment of Federal Laws and Programs Affecting Persons with Disabilities--With Legislative Recommendations. The members of the National Council on the Handicapped wish to expressly acknowledge with appreciation the special contribution made to this paper by Ethel D. Briggs and Naomi Karp.

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I. INTRODUCTION

Employment is an essential key to successful adult integration into community life. Various forms of work are associated with greater independence, productivity, social status, and financial security. Success and quality of life are often measured in terms of paid employment.

Persons with disabilities account for approximately one-sixth of the nation's population. According to the 1980 census, approximately 22.7 million working age Americans (ages 16-64) have physical or mental disabilities that limit employment. Of that number, 15.1 million reported disabilities that prevented them from working. At the time of the Census Survey, 4.6 million (or 20%) of the 22.7 million persons reporting a work disability were employed in the labor market. The number of unemployed persons with a work disability amounted to 0.6 million. More than three-fourths of all persons reporting disabilities were not in the labor force (see Exhibit 1). Moreover, more than one-fourth of all people not in the labor force (i.e., neither employed nor seeking employment) report a work disability. While one does not expect equal representation of disabled people within the employed and not-employed categories, given that disabilities can prevent one from working, the contrast between the two groups is stark: 4.8% of all employed persons reported a work disability, as compared to 26.8% of all persons not in the labor force.

Only one-third of all youth with disabilities graduate to a job or some form of advanced education. In most school systems in this country, youth with disabilities are not guided into employment opportunities appropriate to their abilities. Although varied degrees of vocational training

EXHIBIT 1

Number of Persons with Limiting Work Disabilities By Labor Force Status -- 1980

<u>LABOR FORCE CATEGORY</u>	<u>NUMBER (IN MILLIONS)</u>	<u>PERCENT OF TOTAL DISABLED</u>	<u>PERCENT OF TOTAL POPULATION IN SAME CATEGORY</u>
Employed	4.6	20.4	4.8
Unemployed	0.6	2.7	8.7
Armed Forces	0.1	0.2	3.3
Not in Labor Force	17.4	76.7	26.8
	-----	-----	
TOTAL	22.7	100.0	

Source: 1980 Census, Public-Use Microdata Sample (0.1 percent sample).

and education experiences are made available to many students with disabilities, a systematically planned transition to positions in the public and private sectors is not usually available. The absence of systematic vocational transition services often accounts for the continued high unemployment rate of persons with disabilities.

Vachon (1985) used data from the Social Security Administration's 1978 Survey of Disability and Work as a basis for estimating the incidence of disability in the year 2000. His forecasts project (p. 3):

- o A 30% increase in the total number of work disabled individuals by the year 2000.
- o A modest decline (-2.4%) in the numbers of young persons with work handicaps (ages 18-34).
- o Dramatic increases (58.9%) in the number of work-disabled persons between the ages of 35 and 54.

These forecasts were used to predict changes between 1978 and 2000 in the labor force status of work disabled persons. Vachon's results indicate:

- o Relatively constant rates of unemployment and labor force nonparticipation.
- o A 21% increase in the actual number unemployed.
- o An 11% increase in the number not in the labor force.

What factors are responsible for this projected growth in the work disabled population in the United States? The primary underlying force is the "aging" of the "baby boom" generation, i.e., persons born between 1946 and 1964. During this period, the birth rate increased significantly, then decreased, thus creating a generation of people who will mature together. This trend is demonstrated by increases in the median age. In 1985, the median age was 31.2; by the year 2000 the median age is projected to be 36.3 years. In the year 2000, most work disabled persons will be between the ages of 35 to 54 years.

Paid employment is the best and most dignified way for disabled people to obtain an adequate income. Income maintenance programs do not encourage the person toward their potential. When a person is employed, there is the potential for advancement or getting another position. This paper discusses existing employment programs and initiatives. Recommendations are presented that are directed toward increasing employment opportunities for disabled Americans.

II. TRANSITION

The Office of Special Education and Rehabilitative Services (OSERS) in the Department of Education has developed a transition model which is a bridge between the security of school and the risks and opportunities of adulthood. It is based on sound preparation in high school, adequate support mechanisms upon leaving school, and secure opportunities and services, as needed, in adulthood. It is an outcome-oriented process which encompasses a broad range of experiences and services which result in competitive employment. This process includes high school, graduation, additional post-secondary education, adult services, and the beginning years of employment. Emphasis is on a shared responsibility of all involved parties and extends beyond service coordination to examine the appropriateness and quality of the services provided (Will, 1984).

The successful transition bridge from school to employment is built on two foundations. First, there must be a solid educational foundation. This means that special education, vocational education, and other school based services collaboratively provide the skills, attitudes, personal relationships, and employer contacts that are essential for students to achieve successful transition. The curriculum must help students to develop saleable, entry level job skills. Instructional procedures must be designed so that curriculum goals are achieved by the full range of persons with disabilities. Guidance counselors, vocational educators, special educators, and vocational rehabilitation counselors must ensure that the Individualized Education Program process guarantees sound transition outcomes. Disabled students must be integrated into nonspecial education settings so that nondisabled peers and adults will have positive perceptions about disabled

persons' abilities. Concomitantly, disabled students will develop age appropriate social behaviors reinforced in integrated settings. The student and his or her family are the driving forces of this process.

The second foundation of successful transition is adequate community-based employment opportunities. Even the most outstanding educational program is incomplete if appropriate competitive employment options are not available in communities. Neighborhood and family networks, the degree of the person's integration into community activities, and intense job search efforts all increase the probability of achieving employment.

At the same time, negative factors that affect the overall employment picture for disabled persons must be considered, including periods of low economic growth, job discrimination, as well as other conditions that result in unemployment for youth, unskilled workers, and other disadvantaged groups. Therefore, issues such as minimum wage levels, incentives to businesses to offer employment, equal employment opportunities, and structural unemployment problems must be addressed along with transition from school to work issues. Without this simultaneous attention, the dream of social and economic independence will not be realized by the vast majority of young people with disabilities (Will, 1984).

Thus, competitive employment is the chief goal of the OSERS Model. It is an objective measure of success of an effective transition program. The Association for Persons with Severe Handicaps stated in 1983 that the quality of employment for persons who are disabled should be defined and assessed the same way it is for nondisabled persons:

The quality of employment and related day and vocational services for individuals with...disabilities should be judged by the same criteria used to evaluate the employment of others in our society; income level and the resulting opportunities created by that income; quality of working life, including integration of the work place, safety, and access to challenging work; and security benefits, including job mobility, advancement opportunities, and protection from lifestyle disruptions due to illness or accident (Will, 1984).

Full, sustained, competitive employment is possible for most persons, despite the nature and the severity of the person's disability.

However, five major obstacles to employment affect students leaving secondary special education programs. These are:

1. Scarce competitive employment opportunities
2. A maze of service providers and funding agencies
3. Eligibility requirements which differ from agency to agency.
4. Service providers who do not fully grasp the complexity of the systems
5. Consumers and families who are confused by the various service complexities.

Therefore, a coordinated, well-planned collaborative transition process to employment is needed for students who are in secondary special education programs. This process needs to begin in late elementary school and develop in a systematic way, with vocational education, special education, and vocational rehabilitation working together so that by the time the student leaves secondary school, he or she will have the skills and capacity needed for the transition to post-secondary educational programs and/or competitive employment.

For transition to be successful, a variety of community based, competitive employment opportunities must exist. Labor issues and overall economic issues must be addressed for transition to be successful, and

economic incentives must be developed so that employers will hire disabled persons. The family, community integration, and neighborhood networks are also key factors in a successful transition process.

A. OSERS Model Transition Programs

To help special education students become employed, OSERS supports two different levels of transitional services that respond to the special needs of individual students. The first program is transition from school to work with very few special services. Many disabled individuals are able to rely on their own resources to obtain employment. Some special accommodations may be necessary, but they are usually found outside the realm of disability related services. Often persons find their own jobs through work experience programs, family networks, or short-term volunteer jobs. Others move on to post-secondary education programs to increase their skills and improve their employability. Often vocational and technical schools, community colleges, and other schools of higher education play important roles in the transition process for students with special needs. The exact number of students in this category at any one time is unknown, but the number varies with job availability, quality of education, and access to community services.

The second program is transition with time limited services. These temporary supports include vocational rehabilitation, post-secondary vocational education, and other job training programs which help gain entry into the employment market. To participate in these time limited programs, a person must be considered capable of continuing on his or her own after the services terminate. In other words, there is a reasonable expectation

of employment at the end of a given period of time. This does not always result in competitive employment for the person who is disabled.

B. Legislative and Program History

Three major pieces of legislation directly affect the transition from secondary school to competitive employment of disabled students:

1. The Education of All Handicapped Children Act - Public Law 94-142, as amended by P.L. 98-199
2. The Vocational Education Act - Public Law 88-210, as amended by P.L. 98-524
3. The Rehabilitation Act - Public Law 95-602, as amended by P.L. 98-221

Each Act and its relationship to the transition process is discussed in detail below.

1. Education of All Handicapped Children Act - Public Law 94-142 (P.L. 98-199, Transition Amendment). In an effort to encourage states to upgrade their transition programs, the Secondary Education and Transitional Services for Handicapped Youth Program, Section 626 of Part C, was added to Public Law 94-142 when it was amended in 1984. This new legislative program provides funds for projects that will strengthen and coordinate education, training, and related services to aid in the transition to competitive and supported employment, postsecondary training and education, and adult services. In addition, it includes projects that will stimulate the development and improvement of secondary special education programs.

Numbers Served. In its Seventh Annual Report to Congress, 1985, the Office of Special Education Programs states that services to secondary and postsecondary students have increased at a high rate over the past few

years. Due to the recently emphasized goal of employment after special education, services to these older students have been receiving growing attention. Accurate data is not currently available, but the child counts from fifty States show that the number of eighteen to twenty-one year olds served in public schools has increased by over two-thirds in the past five years. In 1983-1984, 186,393 students were served in this age group.

Further, the Report States that between 1982-83 and 1983-84, 37 States showed increases in the number of students in the 18-21 age group for an 82% increase in 1983-84 over the number served in 1978-79. Eight States are finding that services to this age group are increasing at a faster rate than are services for younger children. In 1984, 28 States had mandates to serve handicapped youth through age 21 if they had not yet completed high school. (See following Chart.)

Number and Percentage of Handicapped Students Aged 18-21
Served under P.L. 94-142 from 1978-79 to 1983-84

Year	Number of Students Served	Percent
1978-79	102,173	0.60
1979-80	124,528	0.74
1980-81	139,565	0.82
1981-82	159,399	0.92
1982-83	173,642	1.02
1983-84	186,393	1.12

NOTE: Percentages are based on the resident population of this age group for each year.

Given this growing number of students, special education must provide students with the knowledge and skills that will enhance their employment chances and help them make a successful transition with increased economic and social independence.

Current Expenditures. During Fiscal Years 1984 and 1985, the Office of Special Education Programs allotted approximately \$23 million dollars to the transition and supported work initiatives. This sum includes both secondary and postsecondary projects. The money was divided among four divisions of Special Education Programs, as follows:

Division of Educational Services	=	\$13,600,000
Division of Personnel Preparation	=	3,800,000
Division of Assistance to States	=	500,000
Division of Innovation and Development	=	<u>4,900,000</u>
		\$22,800,000

Exemplary Models. The \$23 million that Special Education Programs allotted to transition have funded some excellent projects. For example, during the 1983-84 school year, the Delaware Department of Education initiated a project to develop a model for coordinated transition from secondary schools to the work world for students with handicapping conditions. Designed to coordinate planning and service delivery among the special education, vocational education and vocational rehabilitation service systems, this project focuses on the needs of students when they enter secondary school, at about the age of 15. The project is jointly funded by the State Education Agency, with funds available under the P.L. 89-313 Program, and the Division of Vocational Rehabilitation of the Department of Labor. Vocational rehabilitation services personnel work with special educators early in the students' secondary school career to identify needs and plan prevocational and vocational training services consistent with those needs. In addition to providing more effective vocational preparation to individual students, this project will identify overlaps and gaps in available services among

agencies and to determine how programs can be coordinated and integrated to best meet the needs of handicapped students. During the 1984-85 school year, the project operated in five sites, including special schools for the handicapped and regular high schools.

Also, in Winchester, Massachusetts, a new program provides an extra year of high school for special education students who plan to go on to college. The program will be based on Individualized Education Programs (IEP's) for each student but will focus on developing the study and social skills needed for college. Counseling and guidance concerning the entrance requirements of specific colleges will be provided, as well as follow-along services to ensure that the transition to college is successful. Evaluations of these projects will provide information about how to provide effective transition services and guidance for replication by other agencies and adult services providers.

For mildly and moderately handicapped students, transition often requires some type of time limited post-school services that will enable students to move on to employment. Interagency agreements between special education, vocational education, vocational rehabilitation, and developmental disability agencies have been a recent trend. Often State agencies negotiate these agreements and implementation procedures are developed at the local level. An Oklahoma project provides an example of how the process works.

In the State of Oklahoma, the Cooperative School/Rehabilitation Work Program is a major cooperative effort between Special Education and Vocational Rehabilitation. The State level interagency agreement specifies that special education will provide career awareness, job skill training and work-study activities. Vocational education counselors are part of

the IEP team if vocational education goals are involved; vocational rehabilitation counselors serve on the IEP team if rehabilitation services are recommended; and collaborative IEP/IWRPs (Individual Written Rehabilitation Plans) are often developed. Students eligible for both special education and vocational rehabilitation attend special education classes for part of the day and vocational training, on-the-job training, or paid community work experience for the remainder of the day. Special education teachers and vocational rehabilitation counselors work as a team to provide these services. In school year 1983-84, approximately 2,000 students were served in this manner throughout the State of Oklahoma (OSEP Report to Congress, 1985).

One of the ultimate goals of all education, regular and special, is the development of skills needed for employment. The new section of the Education for All Handicapped Children Act that encourages States to develop and/or improve a coordinated transition process will help ensure that disabled youth attain and maintain employment.

2. Vocational Education Act - P.L. 98-524. Students with disabilities should benefit greatly from the Carl Perkins Vocational Education Act of 1984 that went into effect July 1, 1985. The following provisions described below relate to education, transition, interagency cooperation, and ultimately to competitive employment for students with special needs.

Vocational Education Programs. The purpose of the legislation is to help States expand, develop, and/or improve the quality of vocational education programs in order to develop marketable skills in the work force and to improve the country's economic growth. Furthermore, specific groups of students who may have been inadequately served by vocational education

programs are assured access to these programs under the new law. These groups of students include those who are disadvantaged, handicapped, entering nontraditional occupations, adults who are in need of training and retraining, and/or individuals who may be in correctional institutions (Whitehead & Rhodes, 1985).

The vocational education programs may be delivered in a variety of both public and private settings, including high schools, sheltered workshops, trade schools, and adult education programs. Handicapped persons are defined as persons who cannot succeed in regular vocational education programs without special education assistance.

State Councils and Plans. A second provision requires that each State have a Council to advise the State Board of Vocational Education on the development of its State's plan. It also advises the governor, business persons, and the public about policies that the State should adopt to strengthen vocational education with particular focus on populations that are handicapped. In addition, each State plan has a requirement that it assess the needs of special groups for access to vocational education and vocational services in regard to the labor market needs. Handicapped persons are the first special group mentioned. The State plans must describe how the provisions pertaining to disabled students will be enforced. They also must describe the measures that will be used to evaluate the effectiveness of the programs. Furthermore, the plans must describe the joint efforts under the Job Training Partnership Act, the Education of All Handicapped Children Act, and the Rehabilitation Act (Whitehead & Rhodes, 1985).

Ten percent of each State's basic grant must be set aside for supplemental staff, equipment, materials, and services that are essential in

order for handicapped individuals to take part in vocational education. The new legislation prohibits States from using the 10% set aside money to pay the full costs of segregated vocational education programs. The State must match the Federal 10% set aside funds, and the combined monies can only be used to pay the excess costs that result from providing vocational education to disabled students. Eligible recipients are to receive 100% of the State set aside funds.

Assurances for Disabled Students. A third major provision of the Act lays out the following guidelines for serving disabled students:

1. Equal access will be provided to disabled persons in recruitment, enrollment, and placement activities.
2. Equal access will be provided to all handicapped students for the full range of activities available to all other persons. This includes apprenticeship programs, co-operative education, and courses pertaining to specific occupations.
3. All programs will be provided in the least restrictive environment and will, when appropriate, be included in student's individualized education plan (IEP).
4. At least one year prior to a student's entering the grade at which vocational education usually begins, or by the start of the ninth grade at the latest, each local education agency shall give disabled students and their parents information regarding the availability of vocational education opportunities and the eligibility criteria for enrolling in the program.

After a disabled student has enrolled in a vocational education program, he or she shall receive:

1. An assessment to determine interests, abilities, and special needs to successfully complete the program.
2. Special services, including equipment, adapted curriculum, instruction, and facilities that are designed to meet the special needs identified in the assessments.

3. Guidance, counseling and career development activities from counselors who usually provide these services.
4. Counseling services that will facilitate the transition from school to career. These services include job development, placement and follow-up procedures.

These provisions and assurances should increase vocational education opportunities for students with special needs.

Numbers Served. According to the Seventh Annual Report to Congress in 1985, the Office of Special Education Programs reported that approximately 290,000 disabled students were enrolled in vocational education programs during 1981-82. The data indicated that 64.2% of these enrollments were in regular vocational education programs with no special services. If those disabled students who required special services are included, the aggregate enrollment rises to 490,000. The Office of Vocational and Adult Education reports that 74.7% of the handicapped students served are in regular vocational education programs.

With the requirements in the new Vocational Education Act, there should be significant changes in the number of students served and the ways in which they are served. School districts will move from special vocational classes to regular vocational classes with a variety of support services for the students with special needs (Cobb & Kingsbury, 1985).

Current Expenditures. Congress authorized a funding level of \$950 million; however, the appropriation for Fiscal Year 1985 was \$835,300,000. Each year Congress will determine how much money to authorize for each Title of the Act.

Exemplary Models. The new Act encourages vocational educators to make contacts with community-based organizations that provide training and employment. Some States have initiated interagency agreements among State

and local service providers in an attempt to build up the coordination of services to populations with special needs. According to Cobb and Kingsbury, Wilmar, Minnesota is an excellent example. Six agencies--three community-based organizations, the Department of Vocational Rehabilitation and the Education Department's Offices of Vocational Education and Special Education--signed a joint agreement designed to coordinate planning, case management and follow-up of handicapped individuals, from the age of 16 until after graduation. Major provisions included the purposes of the agreement; the eligibility criteria (who can receive services); the referral process of clients and agencies; assessment services available (and who could provide them); the case management responsibilities of the respective agencies; the fiscal responsibilities of the agencies and clients; and the duration of the agreement and evaluation provisions. This future-oriented collaboration shows what promise vocational education can hold for students with special needs. Both the quality and quantity of services should increase under the Perkins Vocational Education Act.

3. Rehabilitation Act of 1973 as Amended by P.L. 98-221. Title II of the Act established the National Institute of Handicapped Research (NIHR) and authorizes project grants for research, demonstration and related activities designed to develop methods, procedures and devices to assist in providing vocational rehabilitation services to handicapped individuals, especially those with the most severe handicaps. Such projects may include: (1) studies and analyses of industrial, vocational, social, psychiatric, psychological, economic, and other factors affecting rehabilitation of handicapped individuals; (2) special problems of homebound and institutionalized individuals; (3) studies, analyses and demonstrations of architectural and engineering designs adapted to meet the special needs of handicapped

individuals; and (4) related activities which hold promise of increasing knowledge and improving methods of rehabilitation of handicapped individuals, including those with the most severe handicaps.

The National Institute of Handicapped Research has awarded approximately \$1,471,500 in contracts, grants, and fellowship awards for research pertaining to transition and supported work. This figure includes expenditures for Fiscal Years 1984 and 1985.

Several NIHR projects offer effective transition opportunities to youth who are disabled. These projects creatively use interdisciplinary staff members to meet the special needs of the students/clients. NIHR also is funding a research and training center at Virginia Commonwealth University, Richmond, Virginia, that focuses on improving the employability of mentally retarded individuals. It specializes in providing high-quality research and training in the area of competitive employment. Job-placement, job site training, and follow-up services are part of the scope of work, and center staff work with employers, parents, secondary education programs, sheltered workshops and adult programs as part of the transition component.

Other efforts include training and providing technical assistance to vocational rehabilitation personnel to help develop and/or expand transition services. Through the combined effort of Special Education Programs and the Rehabilitative Services Administration (RSA), leadership conferences on transition programs have been held in each RSA region. Each Regional Office has assisted in the development of at least one new transition project in each State. Also, each Region is identifying existing cooperative agreements and working to improve the effectiveness of those agreements.

4. The Job Training Partnership Act (JTPA). The Job Training Partnership Act (JTPA) of 1982, P.L. 97-300, authorizes job preparation and job training for people who are economically disadvantaged and for people who face serious barriers to employment. Emphasis is placed on the achievement of goals to increase the employment of participants and to reduce dependency.

JTPA funds go from the Federal government to the Governors of each State. Each Governor appoints a State Job Training Coordinating Council to propose designated Service Delivery Areas (SDA) for the dispersal of all funds, including discretionary funds. The chief locally elected officials in each SDA consider nominations from various agencies in the SDA and then appoint a Private Industry Council (PIC) to develop a job training plan for spending the JTPA funds. The Law and the regulations governing the dispersal of funds allow localities enough discretion to channel funds toward serving individuals with developmental disabilities. The regulations governing JTPA performance standards also allow some discretion within the definitions applying to "positive terminations." The fact that a client can be designated as a positive termination if he/she has achieved PIC (locally) recognized competencies gives the PIC the ability to serve more individuals with severe handicaps because they can be included as positive terminations.

Unlike the earlier Comprehensive Employment Training Act (CETA) program, JTPA does not consider a person eligible simply because their handicap is considered a substantial barrier to employment. Under JTPA, individuals with handicaps are required to meet income eligibility criteria in order to qualify for services. This factor has limited the participation of individuals in the program, even though this eligibility requirement may be waived in some instances.

JTPA has given the business community considerable responsibility in designing and operating the program. A majority of the membership and the chairperson of each SDA's Private Industry Council (PIC) must represent business and industry. Rehabilitation agencies and community-based organizations must also participate on the PICs and State Job Training Coordinating Councils.

Since this program is relatively new and has very unstructured Federal guidelines regarding target populations, it is extremely difficult to assess its actual impact on disabled youth. In Fiscal Year 1984, Congress appropriated \$2 billion for the program. From this money, the Association for Retarded Citizens received \$1,680,000 to recruit, train, and place mild to moderately retarded clients. The Epilepsy Foundation also received a \$695,000 training contract for the same year (Rehabilitation Information Utilization Institute, 1985). Anecdotal reports from disabled people suggest, however, that persons with disabilities are not being well served by JTPA.

5. Targeted Jobs Tax Credit Program (TJTC). This legislation affords employers the opportunity to take Federal income tax credits when they employ persons from specifically targeted populations. The procedure is not complex, and employers have no training requirements to meet, no reporting requirements, and a minimum amount of paperwork. They retain absolute authority in hiring. The TJTC program was extended and revised in The Tax Reform Act of 1984 and merged with other programs as a new "general business credit" program. Some States, including California, have enacted State laws which provide for a State TJTC program (i.e., credits on state income tax for employers).

A key factor for a successful transition is the involvement of employers. This legislation provides an incentive to employers who may be reluctant to hire persons with disabilities. (A detailed description of TJTC program is included under the Placement Initiatives section below.)

6. Section 1619(a) and (b) of the Social Security Disability Amendments. This legislation affects the employment eligibility of Supplemental Security Income recipients. The purpose of Section 1619(a) is to protect and continue the SSI benefits portion of the total income of the disabled recipient whose work earnings would normally cancel out basic SSI benefits, even though he or she remains severely impaired. Without this protection, a recipient would lose benefits the month after the second month of earning at the Substantial Gainful Activity (SGA) level. Instead, 1619(a) continues the SSI benefits as an incentive for the recipient to continue working. Benefits are paid on the basis of a formula until earnings reach \$713 per month for an eligible individual and \$1,029 per month for an eligible couple (1984 levels). At that point, all SSI benefits cease.

Section 1619(b) assures that working SSI recipients continue to have Medicaid coverage if (1) their disabling condition continues; (2) they would have difficulty maintaining their employment without medical coverage; and (3) their earnings are not high enough to obtain benefits equivalent to the SSI benefits (including the State supplement) and the Medicaid benefits that they would have received had they not accepted employment. Section 1619(a) and (b) is discussed further in the paper, "Disincentives to Work under the Social Security Act," appearing later in this volume.

In summary, the legislation that mandates special education, vocational education, vocational rehabilitation, and the other programs that

affect the economic future of disabled youth has an over-riding goal. That goal is to provide disabled young people with the training, skills, and competencies they need to attain and maintain employment and varying degrees of independence in their own communities. These programs respond to the adage, "Give a man a fish and you have fed him for a day. Teach a man to fish and he can feed himself a lifetime."

C. Gaps in Programs and Legislation

A well-planned and coordinated transition program should have the following elements:

1. Education should be provided in integrated settings.
2. Sequential career education curricula that result in employment should be developed and established for special education students at an early age.
3. Vocational education, special education, regular education, and vocational rehabilitation personnel should cooperatively develop career goals and objectives for students.
4. Students and families should be involved in all decisions
5. Employers should be involved in the transition process to ensure the availability of appropriate community-based worksites and employment opportunities.

Unfortunately, many students leave high school special education programs without having been part of a coordinated transition process. There are several reasons for this omission:

1. Lack of Ownership. The first reason is a lack of ownership of the transition process among educational and rehabilitation agencies. Transitional plans may begin with the school, the rehabilitation agency, or the family. The age at which this transition process should begin varies

from district to district. However, it must begin long before it is time for the student to leave special education.

In addition, special education, vocational education, and vocational rehabilitation program administrators may not recognize the need for their Federal, State, and local counterparts to communicate between and among themselves. They also may not provide interdisciplinary in-service training for special educators, regular educators, vocational educators, and vocational rehabilitation counselors so that these professionals can coordinate their programs for disabled students.

Furthermore, these program administrators may not recognize the need for students to receive interdisciplinary training experiences; nor do they always recognize the need for including such experiences in a student's Individualized Educational Plan (IEP).

2. Lack of Program Coordination. A second reason for the lack of a well-planned transition process centers on the lack of coordination within and among special education, vocational education, and vocational rehabilitation programs across the country. Vocational goals may not always be included in students' IEPs, and vocational rehabilitation personnel may not be involved in the IEP process. A great many inconsistencies exist among school districts for developing and writing IEPs. Therefore, many IEPs lack foresight and employment-oriented goals.

Students and families may not be included in or informed about vocational education and rehabilitation options both in school and after graduating. Thus, many disabled students are denied involvement in and exposure to career possibilities that are appropriate for their individual needs.

Additionally, skills taught may not reflect future employment and career trends and opportunities. Students may be learning job skills that are confined to today's job market and not to the job market that will exist upon graduation. Vocational assessments may not be comprehensive, further complicating the type of job skills being learned. Career counselors are usually few and far between, and special educators may rarely venture into the private and public employment sectors in order to further develop their students' career goals and options.

Finally, special education programs usually do not include independent living skills that are comprehensive and apply to and are essential for job attainment and maintenance. This includes learning how to manage activities of daily living, such as household routines, finances, transportation, recreation, age appropriate social behaviors, and, for some, personal care attendants. Without these skills, economic and social independence may not be realized.

Gaps exist in the transition process because vocational education programs may not fully involve all special education students. In particular, students who are severely disabled are excluded. In addition, vocational educators usually are not trained in special education techniques. These teachers may lack the knowledge needed to analyze and modify tasks, and may not be familiar with the availability of special resources and adaptive equipment. Also, vocational education goals and personnel may not be included in the IEP process. Lastly, students and families may not even be aware of the availability of vocational education services.

Many students have an unsuccessful transition process because vocational rehabilitation counselors may not be involved in the IEP process.

Also, IEPs and Individualized Written Rehabilitation Plans (IWRPs) may have goals and objectives that are incongruent. Severely disabled students are often excluded from vocational rehabilitation programs. When vocational assessments are performed, the results may not be communicated to special educators and others involved with the students. Vocational rehabilitation counselors may be unfamiliar with task analysis, worksite modifications, special education techniques, the availability of adaptive equipment, and/or other community-based resources.

3. Omission of Other Service Agencies. Transitional programs are often poorly planned because other service and educational agencies are omitted from the process. Too often, mental health agencies, developmental disabilities councils, social service agencies, and independent living centers are not members of the transitional planning team. Also, community colleges, technical schools and universities are overlooked as viable transitional options for large numbers of students with special needs.

4. Omission of Employers. All too often employers and civic agencies may not be considered and involved in the transition process. Without a corps of aware and interested employers, there will not be a sufficient number of on-the-job training and supported and non-supported community-based employment options available to students who are leaving secondary special education programs. The outcome objective of job skills and vocational training is ultimately employment. Without jobs, job training is nonproductive, and may, in fact, discourage disabled youth from ever seeking employment (Nelson, Fischer, & Rubenstein, 1985).

5. Legislative Gaps. Most Federal laws that mandate special education and vocational rehabilitation services lack mechanisms for making one of

those program areas responsible for taking the lead in transitional planning. Each local and State program usually waits for the other to initiate the transitional planning process. Often valuable time is lost, and students and society pay the price because a specific agency is not designated to start, coordinate, and follow-through the transition process from high school to employment.

Both Public Law 94-142, as amended, and the Rehabilitation Act are incomplete because they lack the mechanisms needed to ensure that cooperative, interagency efforts will be in place to start and carry-out the transition planning, training, and employment processes. Without this prescribed role, students will always run the risk of an inadequate transitional program. In addition, education is an entitlement program; employment services are not, and eligibility varies with the discretion of the case managers and counselors. Federal guidelines are broad. States may establish eligibility policies and standards that are narrow and unflexible. Counselors may exercise degrees of selectivity in choosing and servicing clients (Whitehead & Rhodes, 1985). This leaves many persons either under served or not served at all.

Other legislation affects the ultimate transition goal of providing integrated employment opportunities for persons with special needs. Although the Job Training Partnership Act legislation should help to increase the employment and decrease the dependency of disabled persons, it has shortcomings. Despite the fact that State governors have the authority to adjust the national standards in the law, few have acted favorably on this authority. The result is that few persons with severe disabilities take part in Private Industry Council-sponsored programs (Whitehead & Rhodes, 1985).

Unlike its predecessor, the Comprehensive Employment and Training Act (CETA), JTPA does not consider a person eligible because his/her handicap might be a barrier to employment. Income eligibility criteria must be satisfied in order to receive services. If a disabled person is considered a family of one, the income standard may be waived, even if his or her family's income exceeds the limit (Whitehead & Rhodes, 1985).

In addition, the public lacks awareness about the programs under the law. Even those who do know about it find it difficult to understand, and many require a strong advocate to utilize it.

Lastly, according to Whitehead and Rhodes:

In evaluating the impact of JTPA, the President's Committee on Employment of the Handicapped and a project at the University of Wisconsin have found evidence that participation of individuals with disabilities in JTPA has been quite restricted. This may be due in part to the fact that PICs are not required to detail the procedures necessary to meet the employment needs of persons with handicaps. On the other hand, PICs are required to establish performance standards which become the criteria used in program evaluation. The standards are often rigid, failing to recognize the unique needs of individuals with handicaps. This can lead to a "creaming effect" in the selection of participants.

Section 1619(a) and (b) of the Social Security Disability Amendments of the Social Security Act has been underutilized by persons who could benefit from it. Often Social Security personnel are not fully informed about the section. Thus, clients remain unaware of it and how to access it (Whitehead & Rhodes, 1985). Despite the fact that this legislation has been extended until June 1987, there is no guarantee that it will be made permanent. Even in its current form, disabled persons may obtain employment at a salary level that is too high for Medicaid coverage, even though they cannot obtain adequate health benefits from their employers (Elder, 1985). This disincentive to competitive employment is discussed in the "Disincentives" paper in this volume.

In summary, many students with special needs are leaving high school special education programs without participating in a well planned, coordinated transitional program. There are several reasons why this is occurring:

1. No agency is mandated to start and carry-out the transition process
2. Programs serving adolescents lack coordination within and among themselves
3. Employers and civic agencies are not encouraged to take part in the process to ensure the availability of jobs in the community
4. Existing legislation has shortcomings that impede the transition process and ultimate employment.

III. SUPPORTED WORK

"I expect my ten year old daughter who is in a TMR class to have viable job skills when she gets out of school. In fact, by the time she is 21, I expect her to have a job that pays a decent wage so that she can live independently, perhaps in a group home or supervised apartment program. I'm making sure that vocational training is included in her IEP, that the schools are doing real job training, and that by the time she's in high school, the school works with our community service board and a rehabilitation counselor to get her into the right kind of job." (Wehman, et al., 1984)

Unfortunately, this expectation is not realized for 50-80% of all adults with disabilities. Between 250,000 and 300,000 students graduate from special education classes yearly. Despite the fact that our nation invests over \$1.5 billion annually in special education, and 8% of the gross national product is spent on disability programs, the promise of employment and community integration is not a reality for one-third of the disabled young people leaving special education (Will, 1984).

These graduates usually enter publicly-supported day activity and vocational centers where they face segregation from non-disabled peers, slow movement towards employment, and low wages. In order to rectify this inequitable situation for so many physically and developmentally disabled young Americans, an orderly, systematic transition process to employment and community integration is needed. The special education investment demands that full participation in community life be achieved through coordinated, interagency, transitional planning. This planning is a five-step process that includes:

1. Relevant, age-appropriate school instructional programs that will lead to employment.
2. Formal organized planning for the movement from school to competitive employment.

3. Creation of multiple meaningful, competitive, community-based employment options.
4. Parental involvement and consent in decision-making.
5. Cooperative focusing by educators, service providers, and employers on improving the quantity and quality of competitive employment opportunities in communities with time-limited and ongoing support services as they are needed.

For persons with disabilities, the transition from school to competitive employment is complicated by society's stereotyped attitudes and is further hindered by the maze of services which are believed to provide assistance to adults but may in fact foster dependence.

A. Supported Work Program: OSERS Model

The supported work program approach is a fundamental change in current policy and practice. Supported work programs are designed to change how existing services are delivered. They are not designed to increase existing services or to change who receives the services (Bellamy & Melia, 1984).

At this time, the majority of adult services for persons with severe disabilities are nonvocational. These services usually involve life-long custodial care or prevocational options which offer little, if any, movement to meaningful rehabilitation and employment. These are merely alternatives to work that exclude persons from viable employment opportunities (Will, 1984).

Ongoing services, however, offer employment with whatever support is needed to maintain that employment. This support may be temporary or episodic, but the person needed for intervention is always available (Bellamy & Melia, 1984). This program allows local services and supportive policies to develop combinations of work opportunities for persons who are disabled

to such a degree that competitive employment at or above the minimum wage is likely. Supports are given through training, supervision, and/or transportation. It takes place in a variety of settings where able-bodied workers are also employed.

There are four components in the ongoing services model. The first takes place in light industry where a small group of disabled workers receive ongoing services from a work supervisor who is paid by the responsible State agency. The second involves scattered placements of disabled individuals in a community, with publicly-funded support staff rotating among work sites. The third component has a mobile crew of disabled persons who have a full-time publicly-funded supervisor. The fourth component involves a converted day activity program that operates a business that is successful enough to provide full-time employment opportunities to disabled participants.

Furthermore, extensive programs are being developed to prepare handicapped students of all severity levels for employment upon completion of high school. The extent, duration, and type of supportive services required vary, as do the agencies providing such services. Programs and inter-agency agreements to provide support services and vocational training are being developed. While some programs lead directly to employment upon graduation, others provide time-limited or long-term support to prepare for or support competitive employment. Some of these programs are described below:

- o In Great Falls, Montana, a community-oriented work/study program provides services to mildly handicapped high school special education students who will probably not obtain further formal education. Intensive vocational training incorporates functional academic training that is focused on jobs which are currently available in the local community. It is provided in classrooms and at job sites in the community. On-going counseling and retraining are provided, as needed, after graduation from the program.

- o An Oregon High School project developed a set of procedures which have been replicated in a number of communities for creating a work-related curriculum for severely handicapped students. The curriculum includes work skills, self-management techniques, and leisure activities. Using the natural routines of working and living as the mode of instruction, teaching takes place within the community setting. Both school staff and parents are directly involved in planning for the post-school placement of the student based on the student's skills and available opportunities in the community.
- o A program which will result in supported employment for the students who are severely disabled is provided at Virginia Commonwealth University. The goal is to obtain competitive employment for students before they graduate from public school. This project is using a supported work approach which consists of four major components. Job placement requires the careful match of a real job to a specific student's skill level, employer capabilities, and parental concerns. Onsite job training and advocacy entails a trainer working onsite with the student, employer, and other employees until the student is competent in both the job and the social skills it demands. Ongoing assessment of student skills (performance) and adequacy of the job/student match occurs concurrently with the onsite training. Job retention is maintained by systematic follow-up responsibilities to post-school human services agencies.

B. Legislative and Program History

The pieces of legislation that directly affect the supported work programs are:

1. Rehabilitation Act of 1973, as amended by Public Law 98-221
2. Developmental Disabilities Act, Public Law 98-527.

A description of the legislation as it relates to supported work is discussed in detail below.

1. Rehabilitation Act of 1973, as Amended by Public Law 98-221. In Fiscal Year 1985, the Department of Education received a \$3.7 million appropriation from Congress to carry out a supported work grant program under Section 311(a) (1) of the Rehabilitation Act of 1973, as amended.

This initiative is stimulate the development and provision of supported work for persons with severe disabilities on a statewide basis.

The Rehabilitation Services Administration reviewed applications submitted by States which were seeking to convert day activity programs into supported work programs. Awards were made October 1, 1985, to the successful State applicants who wanted to offer employment to individuals with disabilities severe enough to make them ineligible to receive traditional vocational rehabilitation services.

Thus, programs which come under the Rehabilitation Act of 1973, as amended, are beginning to develop supported work projects. These efforts must be publicized and replicated across the country in order to ensure that the disabled young people of America receive the appropriate education and vocational training and services which they require.

2. Developmental Disabilities Act, Public Law 98-527. The Developmental Disabilities Act of 1984 authorizes grant support for planning, coordinating and delivering specialized services to persons with developmental disabilities (DD).

The term "developmental disability," as defined in the Act, means:

"a severe, chronic disability of a person which - (A) is attributable to a mental or physical impairment or combination of mental and physical impairments; (B) is manifested before the person attains age 22; (C) is likely to continue indefinitely; (D) results in substantial functional limitations in three or more of the following areas of major life activity: (1) self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and (E) reflects the person's need for a combination and sequence of special, interdisciplinary services which are lifelong or extended duration and are individually planned and coordinated."

The 1984 Amendments of the Act added the provision of employment related services to the basic State Grant Programs as a priority area. The Act defines the term "employment related activities" as services that will increase the independence, productivity, or integration of persons with developmental disabilities in work settings. It includes such services as employment preparation and vocational training leading to supported employment, incentive programs for employers who hire persons with developmental disabilities, services to assist transition from special education to employment, and services to assist transition from sheltered work settings to supported employment settings to competitive employment.

The term "supported employment" means paid employment which (1) is for persons with developmental disabilities for whom competitive employment at or above the minimum wage is unlikely, and who, because of their disabilities, need intensive ongoing support to perform in a work setting; (2) is conducted in a variety of settings, particularly worksites in which persons with disabilities are employed; and (3) is supported by any activity needed to sustain paid work by persons with disabilities, including supervision, training, and transportation.

Part B: Federal Assistance for Planning Service Activities for Persons With Developmental Disabilities. Formula grants to States are authorized under Part B of the Act. To receive its Part B allotment, a State or Territory is required to establish a State Developmental Disabilities Planning Council. This Council, working in tandem with the designated State administering agency, is responsible for developing and submitting a State Plan which specifies existing gaps in services and identifies one or more priority service areas in which the State will focus its attention. By law, the

State Council must be composed of representatives of the State agencies primarily responsible for serving developmentally disabled persons and providers and consumers of such services.

States must select among the following priority service areas specified in the statute: (1) alternative community living arrangement services, (2) employment-related activities, (3) child development services, and (4) case management services. (Note: For any Fiscal Year after Fiscal Year 1986 for which the total appropriation under Section 130 is at least \$50,250,000, employment-related activities must be included among the priority services to be provided under the plan.) In addition, under certain circumstances, a State may elect another priority service area, provided the area is specified in its State Plan. As defined in the law, service activities include: (1) specialized services which respond to unmet needs of persons with development disabilities; (2) model service programs; (3) activities to increase the capacity of agencies to provide services; (4) the coordination of priority services with other services; (5) outreach to individuals; (6) the training of personnel who provide services in the area, including parents of persons with developmental disabilities, professionals, and volunteers; and (7) similar services to expand the use and availability of services in the area.

The State Plan must provide that not less than 65% of the amount available to the State under its Part B allotment will be expended for service activities in the priority service areas. States may opt to make their second priority area one of their own designation, as long as the first is one of the four identified above.

Number Served. In order to find out how to best provide community services for developmentally disabled persons, the Administration of Developmental Disabilities requested that the Inspector General for Health and Human Services conduct a study. In April, 1984, the results of a Service Delivery Assessment on the Transition of Developmentally Disabled Young Adults from School to Adult Services were submitted to Jean Elder, Commissioner of the Administration on Developmental Disabilities. The study showed that 90,000 students with developmental disabilities were leaving special education each year (Elder, 1985). Approximately 6,000,000 persons or 3% of the population are now classified as having mental retardation, and these figures are rising (McCleod, 1985). Approximately one in ten Americans has a family member with mental retardation. Thus, there is a great need among this population for an organized, interdisciplinary planning process with a variety of employment training programs available in their communities.

Current Expenditures. The combined Federal and State expenditures for services to the developmentally disabled populations are approximately \$14.3 billion. Of that total, the Federal Government spends \$6.93 billion, and the States spend \$7.40 billion. The Department of Health and Human Services spends \$6.62 billion, or 95% of all DD costs (Regional Information Utilization Institute, 1985).

The Administration on Developmental Disabilities has allotted \$500,000 specifically for the purpose of working with the Department of Education to implement a supported work initiative. This initiative includes \$3.7 million from the Department of Education to encourage States to convert day activity centers into supported work programs.

Exemplary Models. The interagency agreement between the Administration on Developmental Disabilities and the Department of Education is one example of a supported work model. Since this legislation went into effect in October, 1984, the initiative with Education is just beginning, and there are few exemplary models to report. However, the Administration on Developmental Disabilities has surveyed 120,000 large and small businesses to determine their employment needs and whether they would like to know why it makes good sense to hire employees who are developmentally disabled.

Over 1,200 firms replied that they were interested. The information has been given to the State Developmental Disabilities Councils. Some groups set hiring targets: the National Restaurant Association set a target of 10,000 jobs in 1984 and 1985. The American Hospital Association pledged to hire 16,000 persons with developmental disabilities. The preliminary results of the data gathering show that at least 25,000 persons have been hired (Elder, 1985).

3. Targeted Jobs Tax Credit Program. Several supported work project employers participate in this program. In Montgomery County, Maryland, employers in printing shops, electrical fuse manufacturing plants, tee shirt silk screening shops, home/hardware stores, and other small industries hire persons who are severely disabled as a result of autism. These disabled persons are earning the minimum wage, living in small group homes, and learning to be as self-sufficient as possible. Without Targeted Jobs Tax Credits, these persons would be in day activity centers costing the taxpayers money rather than being taxpayers themselves.

4. Title XIX of the Social Security Act. This piece of legislation is the major Federal funding source for both institutional and community

care of persons with mental retardation. In Fiscal Year 1985, it accounted for 34.2% of the \$7.7 billion which the Government spent on mentally retarded persons. By contrast, the Government spent 12% on noninstitutional Medicaid payments; 3.1% on special education; .25% on Title XX Social Services; and 1.7% on vocational rehabilitation (Conley & Noble, 1985).

Because such a large portion of funds go to institutional care, it is very difficult to develop the greatly needed community-based programs for disabled persons. In fact, the Health Care Financing Administration has put into effect regulations which are dissuading States from providing vocational and employment services. As a result, providing employment options under Title XIX opens a State to HCFA audits and the possibility of having to reimburse Federal Government for the funds spent (Conley & Noble, 1985).

5. Title XX of the Social Security Act. This portion of the Social Security Act provides funds for day activity centers and sheltered workshops, among other programs. According to the 1985 Regional Information Utilization Institute on Transition, "day activity programs have emerged in the last ten years as the primary community service approach for individuals with mental and physical disabilities so severe that they are ineligible for vocational rehabilitation. Day programs expanded by an estimated 600% between 1972 and 1979, in part due to State implementation of policies favoring community over institutional care. The California Department of Finance reported in 1979 that only 2.7% of the State's day program participants moved on to higher level vocational programs during the year. Data from New Jersey during 1980 provide a similarly low estimate of 3.5%.

Although generally believed to be fiscally and programmatically superior to institutions (the only current alternative service for many participants), day activity programs have come under increasing criticism for lack of movement to less costly and less dependent services, segregation from the mainstream, and lack of earnings by participants.

C. Gaps in Legislation

Supported work programs are an alternative to day activity centers. The nation's financial investment in special education programs for our disabled young people demands that upon leaving school they have more to look forward to than attending segregated centers. The dignity and worth of each person demands that he or she be a contributing part of society. Studies are showing that severely disabled persons are capable of performing productive work if given the support services needed. The Association for Retarded Citizens estimate that, with the appropriate training, 75% of children who are mentally retarded could be completely self-supporting as adults. Another 10-15% could be partially self-supporting if supported work programs were available (McCleod, 1985).

1. Public Law 94-142 and the Rehabilitation Act. Neither of these pieces of legislation contains a provision for funding the ongoing services needed by students entering supported work programs. Without this provision, the chances of these students being able to enter into competitive, community-based jobs are greatly reduced.

2. Title XIX of the Social Security Act. The Medicaid Amendments of 1981 were designed to relieve some of the funding crises facing community based services and their recipients. Due to unfortunate policy determina-

tions and legal interpretations, educational and vocational rehabilitation services have been excluded as eligible services. Although some States have developed waiver plans to allow funds for services related to employment, the outlook for long range, wide spread approval is dismal. In fact, most States have been advised to refrain from including any vocational and employment activities in their programs and plans (Whitehead & Rhodes, 1985). As long as States continue to rely heavily on Title XIX funds, employment related services will be at a minimum for disabled persons using those centers.

3. Title XX of the Social Security Act. Title XX was a major contributor to extended employment related services until 1978. At that time, funds to activity centers and workshops were greatly reduced, and States responded by cutting back the employment services. In 1981, the Social Security Block Grant Program Title XX authority specifically provided for vocational rehabilitation services (Whitehead & Rhodes, 1985). However, these services are in segregated facilities, with low wages and little chance for upward movement and interaction with nondisabled peers.

IV. PLACEMENT INITIATIVES

The legislation and programs described below directly affect persons with disabilities. In addition, the legislation listed below (described in the Transition and Supported Work sections) are important in meeting the education and training needs of persons with disabilities:

- o Education for all Handicapped Children Act (Public Law 94-142)
- o Carl D. Perkins Vocational Act of 1984
- o Developmental Disabilities Act of 1984 (Public Law 98-527)

In order to enter or reenter the labor market, persons with disabilities must be adequately prepared by having the necessary knowledge and skills. The placement initiatives described below help meet this need.

A. Rehabilitation Act of 1973 (As Amended by Public Law 98-221)

The Rehabilitation Act of 1973, as amended, is an extremely complex piece of legislation. It is comprehensive and sweeping in that it tackles a multiplicity of the real problems handicapped individuals encounter (Pati, Adkins, & Morrison, 1981). The Act, as amended, authorizes a billion dollars in Federal support for training and placing mentally and physically handicapped persons into remunerative employment. To assist in accomplishing this goal, a wide variety of service, demonstration, training and research grant programs were established under the Act, including a major Federal-State grant-in-aid program.

The origin of the Federal-State vocational rehabilitation program can be traced back to 1920 when Congress enacted the first civilian program for assisting disabled persons to regain work skills. Since that time, the Act

has been gradually expanded to include services to persons with a wide array of handicapping conditions and, in recent years, to focus increased attention on the needs of severely disabled individuals.

The Act defines the term "handicapped individual" to mean: "any individual who: 1) has a physical or mental disability which for such individual constitutes or results in a substantive handicap to employment; and 2) can reasonably be expected to benefit in terms of employability from vocational rehabilitation services provided pursuant to Titles I and III of this Act."

The Act also defines the term "severe handicap" to mean: "a disability which requires multiple services over an extended period of time and results from amputation, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, renal failure, respiratory or pulmonary dysfunction, and any disability specified... in the regulations."

1. State Vocational Rehabilitation Agencies. Title I of the Rehabilitation Act authorizes formula grants to designated vocational rehabilitation agencies to provide basic rehabilitation services to persons with disabilities.

The Federal/State programs (the vocational rehabilitation agencies (VR)) provide services designed to help persons with disabilities obtain gainful employment. A wide array of services are provided:

- o diagnosis and evaluation of rehabilitation potential and related services;

- o counseling, guidance, referral and placement services, including follow-up and follow-along and post-employment services;
- o vocational and other training services, including personal and vocational adjustment services, books and other training materials and family adjustment services;
- o physical and mental restoration services, including corrective surgery or therapeutic treatment and related hospitalization, prosthetic and orthotic devices, eye glasses, special services, and diagnosis and treatment for mental and emotional disorders;
- o income maintenance for subsistence during the rehabilitation period;
- o interpreter and reader services, rehabilitation teaching services, orientation and mobility services for the blind; and
- o transportation to rehabilitation services, and occupational licenses, tools, equipment, and initial stocks and supplies.

For the most part, rehabilitation services are similar from one State to another. The standards of operation are uniform for all State agencies since they are established by the Federal regulations written by the Rehabilitation Services Administration. There may be some differences among States and regions, depending upon local needs, order of selection and interpretation of policy.

The vocational rehabilitation counselor is the key person within the State agency. The vocational rehabilitation counselor determines eligibility based upon the criteria set forth in the Rehabilitation Act; develops jointly with the client an Individualized Written Rehabilitation Program which outlines the vocational goal, objectives, services, funding source, and counselor's and client's responsibilities; and has the overall responsibility for job placement.

Placement is a service as well as a program outcome of the State agency. The success of the VR agency is measured by the number of Closed Rehabilitation Cases - Status 26. Placement is defined as "a process that expands and improves vocational opportunities and outcomes for disabled individuals." Placement is not simply finding employment for vocationally handicapped individuals; it is a process of matching opportunities appropriately with the client and ensuring that the person functions effectively at the level defined by the employer (CSAVR, 1985). The VR counselor provides services to the client along a continuum called the vocational rehabilitation process, that will ultimately led to a successfully rehabilitated client (Status 26). State/Federal programs agree that without placement, vocational rehabilitation does not exist; therefore, it benefits them to develop strong placement components within their programs.

In Fiscal Year 1985, Congress authorized \$1.1 million for State vocational rehabilitation agencies.

Many studies have been made of the cost-effectiveness of the rehabilitation program. Results have ranged from as high as \$35 to \$1, to as low as \$3 to \$1. The cost benefit figures most widely accepted by VR agencies are that for every dollar spent, \$10.00 are returned, plus the reduction in dependency on other Federal programs such as SSI, SSDI and AFDC.

In 1984, according to the RSA Caseload Statistics Report, State rehabilitation agencies served 936,180 persons. Of this number, 565,425 were classified as severely disabled, accounting for 60.4% of all persons served in Fiscal Year 1984. State agencies successfully rehabilitated 225,772 persons; of this number, 132,665 were severely disabled.

A break-down of the categories of employment was not available for Fiscal Year 1984. The latest data available according to categories of employment were for Fiscal Year 1982. In Fiscal Year 1982, a total of 226,924 disabled persons were successfully rehabilitated. The break-down that follows only accounts for 215,340.

<u>Type of Closure</u>	<u>Number</u>	<u>Percentage</u>
Competitive	162,473	75.5%
Sheltered Workshop	14,509	6.7%
Self-employed	7,225	3.3%
Homemaker	29,221	13.6%
Unpaid Family Worker	1,912	.9%

The break-down for Fiscal Year 1984 will probably be similar.

The State vocational rehabilitation agency has had much success over the years in the placement of disabled persons into gainful employment. However, more remains to be done. In order to increase the number of persons with disabilities who are placed into gainful employment, vocational rehabilitation agencies must adopt new approaches. Over the past 60 years, employment services in vocational rehabilitation have been geared toward rehabilitating the individual. Vocational rehabilitation agencies must now begin to prepare the labor force to accept disabled workers. Sensitivity training is only one facet of a multitude of strategies needed to integrate persons with disabilities in the work force.

To achieve successful integration in the world of work, rehabilitation agencies must:

1. Work with all employers (private, public, and non-profit organizations).
2. Regard employers as an investment.
3. Be sensitive to the needs of employers and concerned about their satisfaction.

An innovative approach would be to conduct research to identify how employers incorporate disabled workers in the labor force and develop strategies to enhance the capacity of all employers to incorporate disabled workers in the workplace. By building employer capabilities, VR agencies will see increased employment of persons with disabilities.

In addition, State agencies should encourage the Rehabilitation Services Administration to mandate that all RSA funded rehabilitation counselor education programs include employer development, job development, and job placement courses in the curriculum. Counselors in-training should spend time with employers through internship placements in business and industry. In most agencies, the major responsibility for job development and job placement is assigned to the rehabilitation counselor. Existing professional training programs, by and large, do not incorporate placement skills as a major curriculum element. To be effective, programs need to upgrade rehabilitation students' and professionals' abilities in the area of job placement.

Third, the Rehabilitation Services Administration should revise Federal regulations to give State agencies credit for clients who obtain better jobs due to services rendered in Status 32. The current system does not motivate the VR counselor to provide services beyond closure in Status 26. However, Section 154.07 allows the provision of post-employment services to clients who have been closed as rehabilitated.

Very few people continue to work on the initial job for which they were hired. They progress--move up the ladder, so to speak. Disabled individuals should be allowed the same opportunity. In some cases, a short

term training program or a new piece of adapted equipment can facilitate career development. The VR counselor who provides these services should receive credit. This change should increase the number of persons with disabilities who will achieve their vocational potential.

2. Title V: Section 501. Section 501 mandates that each Federal agency develop an affirmative action plan for recruiting, placing and advancing handicapped individuals within the agency. Selective placement programs are organized action plans and procedures which provide the framework for Federal agencies to implement this law and other mandates on the hiring, placement and advancement of handicapped persons, disabled veterans, and rehabilitated offenders. For the purposes of Federal employment, a handicapped person is any individual who 1) has a physical or mental impairment which substantially limits one or more major life activities, 2) has a record of such an impairment, or 3) is regarded as having such an impairment.

The programs are designed to assist qualified handicapped individuals--those who are physically impaired, emotionally restored, or mentally retarded, and rehabilitated offenders--to obtain, retain, and advance in employment consistent with their level of skill and abilities and their capacity for safe and efficient job performance. Emphasis is on ability rather than disability and on rehabilitation efforts and present job readiness.

The Office of Personnel Management has the major responsibility for selective placement of handicapped individuals in the Federal Service. There is a selective placement coordinator in every major organizational component of a Federal agency. To plan and implement affirmative action

for handicapped individuals, including disabled veterans, any agency or component with at least 3,000 employees should have a full-time program manager or selective placement coordinator.

The operating coordinator is directly involved in the day-to-day aspects of selective placement--from recruitment and interviews to placement, follow-up, and career development. He or she seeks out handicapped individuals who are qualified for Federal employment and helps them find jobs.

There are a variety of special provisions for persons whose disabilities are severe enough that standard procedures become obstacles to Federal employment. Selective placement coordinators should be knowledgeable about each of the following options.

Temporary Trial Appointment. A handicapped individual may profit from an opportunity to show what he or she can do. A temporary trial appointment is one way of overcoming an employer's fear that a person with disabilities will not be able to perform well or will not be accepted by co-workers. Physically handicapped and mentally restored persons can be employed under various temporary trial appointments, the most popular of which lasts 700 hours (approximately four months). There is no grade restriction, and it is not necessary for the agency to set up a special temporary position to use this provision. At the outset the agency makes no commitment for permanent employment, but later an appointment may be made to a continuing position.

Excepted Appointments. For handicapped individuals, appointments in the excepted service differ from those in the competitive service in that the specific position is "excepted" or removed from the competitive system.

This means that an individual's abilities are considered in regard to the tasks of a specific job, not an entire class of positions. In other words, he or she is not in competition with applicants who have established eligibility not only for the position in question but also for similar jobs in the same occupational series.

For Persons with Physical Handicaps. The excepted appointing authority in Section 213.3102(u) of Schedule A was developed to allow employment of physically handicapped persons who are disabled in such a way that they may not be expected to demonstrate their qualifications and obtain an appropriate position through the competitive system. Eligibility for this type of appointment is based primarily on the severity of physical impairment, but consideration also is given to the effect of disability on job performance.

Persons employed under Section 213.3102(u) may be promoted or reassigned within the same agency provided that physical qualification standards are met. After two years of successful employment in the excepted service, an agency may convert employees appointed under this authority, noncompetitively, to career or career-conditional status providing they meet basic eligibility requirements.

All buildings and facilities owned, leased, occupied or financed by the United States Government should be accessible and usable by physically disabled persons.

Public Law 96-523 authorizes agency heads to employ or assign readers, interpreters and personal assistants for handicapped Federal employees both at their regular duty station and while traveling on official business (OPM, 1981).

For Mentally Retarded Persons. Individuals who are mentally retarded usually are employed in the excepted service under the authority provided by Section 213.3102(t) of Schedule A. Eligible individuals are those with sufficient mental ability, emotional stability, and training to perform in a satisfactory manner the full duties of the position to which they are appointed. For retarded persons, as for other types of handicapped individuals, jobs and work sites may be modified to provide reasonable accommodation of disabilities.

A vocational rehabilitation counselor must certify the employability of the applicant. In effect, this certification is substituted for competitive examination.

Mentally retarded persons may be promoted to any level, provided they are first certified by a counselor for the higher-graded position. However, care should be exercised to assure that individuals are not expected to perform beyond their capacity. Employees appointed under this authority may also be converted noncompetitively to career or career-conditional status after two years of successful employment in the excepted service, provided they meet basic eligibility requirements.

For Mentally Restored Persons. The excepted appointment authority in Section 213.3202(k) of Schedule B was developed to provide mentally restored persons with ample opportunity to update their skills and to establish a successful performance record to counteract prejudice on the part of employers. Eligible individuals are those who are at a severe disadvantage in obtaining employment because of a psychiatric disability as evidenced by hospitalization and/or outpatient treatment and a significant period of substantially disrupted employment or education and training because of the disability.

In addition, individuals appointed under this authority must meet the minimum qualifications for the position and grade and be certified by either a State or Veterans Administration vocational rehabilitation counselor as being capable of functioning in the specific position.

Appointments under Section 213.3202(k) are for a period not to exceed two years. As this authority will not permit conversion to competitive appointments, individuals wishing to continue in Federal service must compete for any future Federal appointment or have reinstatement eligibility. Prior approval by the Office of Personnel Management of appointments made under Section 213.3202(k) is required.

Numbers Served. According to Equal Employment Opportunity Commission (EEOC), approximately 25,000 individuals with targeted disabilities worked for the Federal Government in Fiscal Year 1983 (targeted disabilities include mental retardation, deafness, blindness, mentally restored, partial paralysis, convulsive disorders, missing extremities, complete paralysis, distortion of limbs/spine).

The Federal Government should provide increased employment opportunities for persons with disabilities. In Fiscal Year 1983, the Federal Government had a work force of 2.9 million. Of this number, there were approximately 25,000 (.86%) individuals with disabilities. The Federal Government must begin to practice what it preaches.

Some actions that could increase the number of disabled persons hired by the Federal Government include:

- o The Office of Personnel Management should define the job duties of the selective placement coordinators and qualifications for the position.
- o Selective placement coordinators should be required to maintain records of the numbers of persons with disabilities who applied for employment within the Federal agency and the number hired.

- o Selective placement coordinators should have knowledge of disability, functional limitations, and accommodations either through formalized training or previous work experience.
- o A regulation should be developed to require all Federal agencies that have internship programs to establish annual goals of filling not less than 10% of all internships with disabled individuals with targeted disabilities, including disabled veterans.

3. Title V: Sections 503 and 504. Sections 503 and 504 of the Rehabilitation Act of 1973 have resulted in greater employer awareness about disability. Designed to improve employment opportunities for disabled people, Sections 503 and 504 require employers with more than \$2,500 in Federal contracts or subcontracts to take "affirmative action" in hiring and promoting qualified disabled persons. The law further requires employers receiving grants and other Federal financial assistance to be "nondiscriminatory" when considering disabled people for employment. In addition, firms subject to the provisions of Sections 503 and 504 must assure the Federal Government that policies of nondiscrimination are followed in the recruiting, hiring and promoting of workers. Written affirmative action plans are required only of those contractors with 50 or more employees and a contract of over \$50,000.

The handicapping condition alone is not reason enough for the person to be covered under Sections 503 and 504. An individual also must be capable of performing a particular job--"with reasonable accommodation" for the handicapping condition. Reasonable accommodation means making necessary adaptations to enable a qualified handicapped person to work. It may include: ensuring that facilities used by employees are accessible to handicapped people (such as installing ramps) and making modifications in jobs, work schedules, equipment or work area (such as changing a person's work schedule so they can avoid rush-hour traffic).

According to a 1982 U.S. Department of Labor Study, the necessary accommodations generally are not expensive. This study, which surveyed 2,000 Federal contractors to determine the nature, extent and cost of accommodations for handicapped employees, found that over half of the 915 firms responding reported no costs incurred for accommodations. An additional 30% (278) of those firms reported costs less than \$500, and only 8% (73) of the respondents reported costs more than \$2,000.

Many employers find additional benefits from job accommodation. For example, redesigned job tasks frequently are safer and more efficient for both disabled and nondisabled workers; modifications to buildings, such as easily operated doors, benefit nondisabled as well as disabled employees; and the experienced employee who becomes disabled on the job can continue working.

In addition to accommodations, employers are also concerned that insurance rates will skyrocket, safety reports will be jeopardized, and attendance and job performance will suffer. However, E.L. Du Pont de Nemours and Company, Inc., is a private employer which has made a point of hiring workers with disabilities and has monitored their progress in the company. Du Pont conducted a study of its handicapped employees in 1973 and again in 1981. Supervisors were asked to rate handicapped employees on the following: 1) safety, 2) job performance and attendance. In addition, they were asked to compare a sample of their disabled and nondisabled employees. The results for disabled employees:

<u>Safety</u>	<u>Job Performance</u>	<u>Attendance</u>
96% rated average or above average	92% rated average or above average	85% rated average or above average

Du Pont has had no increase in insurance costs. This company has achieved a reputation as an exemplary employer of people with disabilities. The company's reports are replete with examples of successful case stories: messengers who are mentally retarded who have years of perfect attendance, excellent performance records and assist in training new messengers; a computer programmer who is blind; an individual who has multiple birth defects that works as a stenographer; a deaf and speechless man who operates and trains others to use Du Pont's computer assisted machining center. The list goes on and on. Du Pont reports that 2,745 employees are disabled, 2.4% of the work force at Du Pont. Du Pont believes that, if given the opportunity, handicapped employees are equal to the task (Du Pont, 1981).

The Department of Labor's Federal Contract Compliance Program is responsible for enforcing the affirmative action provisions of Section 503. Approximately two million companies are contractors or subcontractors receiving Federal contracts exceeding \$2,500. The Employment Standards Administration of the Department of Labor reviews noncompliance in regard to Section 503 and helps employers understand the regulations and develop outreach programs to recruit qualified disabled employees. By 1978, nearly 100 workers had been awarded an approximate total of \$330,000 in back pay as the result of Section 503-based decisions by the Department of Labor (Rubin, 1983). Some of the more common violations of Section 503 by Federal contractors include: 1) an inaccessible personnel office and/or worksite; 2) applicant requirements for a job; and 3) failure to use appropriate recruitment sources for informing disabled individuals of the job (Bowe, 1980).

The Office of Civil Rights (within each Federal agency providing the funds) is responsible for the enforcement of Section 504 regulations. Section 504 applies to all organizations and institutions that receive Federal financial assistance (grants) and to each program and activity that receives benefits from the grant. Since the implementation of Section 504 in 1977, many lawsuits have been initiated by persons with disabilities who felt they were discriminated against. The Comprehensive Equal Opportunity Law paper (in this volume) discusses discrimination in the work setting and recommendations to combat this major barrier to employment for persons with disabilities.

4. Title VI: Projects with Industry. Projects with industry (PWI) provide handicapped individuals training and employment in a realistic work setting to prepare them for employment in the competitive market. Funds are authorized to allow the Commissioner of the Rehabilitation Service Administration to enter into agreements with individual employers and other entities to establish jointly funded projects in the private sector. Projects are designed to provide support services and expand job opportunities for handicapped workers.

PWI is a private business initiative involving employers, labor organizations, trade associations, foundations and voluntary agencies which operate through a partnership arrangement with persons in the rehabilitation field to create and expand job opportunities for handicapped persons in the competitive labor market.

Prior to 1978, authorization for these projects was part of a large discretionary authority under which funds could be used for projects and demonstrations to address a variety of special vocational rehabilitation

needs of handicapped persons. First funded in Fiscal Year 1970 at \$900,000, the projects were initiated in an effort to involve the business community in the rehabilitation process. By Fiscal Year 1977, 4,800 disabled persons, most of whom were severely disabled, received services in over 30 projects that were affiliated with more than 1,200 private corporations.

The 1978 amendments to the Rehabilitation Act established a new title: Title VI - Employment Opportunities for Handicapped Individuals. Section 621 provides separate authority for the projects with industry program. Since these amendments, the program funding has nearly tripled from \$4.5 million in Fiscal Year 1979 to \$13.0 million in Fiscal Year 1984. In Fiscal Year 1985, the program funding was \$14.4 million.

There are some 250 projects nationwide; however, 99 of these receive RSA funding. In Fiscal Year 1984, approximately 14,000 disabled people, most of whom were severely disabled, received employment service under the program. Ten thousand five hundred of these individuals moved into competitive employment.

Each PWI consists of a linkage to the private sector, a training site, and a source of clients. The employer advisory committee is the link to business/industry. The training site is generally a rehabilitation facility, and the State vocational rehabilitation agency certifies client status and their eligibility for services. Using this framework, PWI projects have evolved into the following models:

- o The Job Placement Model: uses job matching to generate employment opportunities for work-ready disabled people.
- o The Work Adjustment Model: provides temporary, realistic work experience and job-seeking skills to disabled persons.
- o The Skill Training Model: offers severely disabled people the opportunity to acquire new technical skills required for jobs in the labor market.

As intended by Congress, the PWI program creates an active partnership among business, industry, and rehabilitation service agencies; makes rehabilitation services more responsive to employer needs; and facilitates the utilization of the untapped potential of handicapped people as resources (IRI, 1983).

B. Job Training Partnership Act (Public Law 97-300)

The purpose of the Job Training Partnership Act is "To establish programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment who are in special need of such training to obtain productive employment."

The Job Training Partnership Act performance standards emphasize high placement rates, low costs per placement, and high average wages at placement. This emphasis left many local program operators initially reluctant to serve in large proportions hard-to-serve individuals (such as disabled people) who require longer, more expensive training and who are more difficult to place in competitive employment. However, a National Alliance of Business analysis of the Job Training Partnership Act (JTPA) program data for 1984 shows the majority of local programs met most of their performance standards. That very positive record offers local programs some important planning guidance: the system can target hard-to-serve groups, including disabled people, and serve them well without jeopardizing its overall performance record.

The data available from the Department of Labor for 1984 provides no information about the percentage of persons with disabilities who were

served by the JTPA. As was discussed above in the Transition Section, JTPA probably is not adequately serving people with disabilities.

C. Randolph-Sheppard Vending Act (Public Law 74-732 and Amendment)

The Vending Facility Program authorized by the Randolph Sheppard Act, as amended, provides blind persons with remunerative employment and self-support through the operation of vending facilities located on Federal and other property. The State rehabilitation agency serves as the State licensing agency. Thousands of blind individuals have been provided business opportunities through the Randolph-Sheppard Act.

In Fiscal Year 1983, 3,261 vending facilities (974 located on Federal property and 2,287 on non-Federal property) provided employment for 3,677 blind vendors (1,100 on Federal property and 2,577 on non-Federal property). Gross income from all facilities totaled \$279.6 million in Fiscal Year 1983. The national average annual earnings of all vendors was \$17,308 in 1983. Additionally, Randolph Sheppard program provides employment opportunities for other disabled and disadvantaged individuals as cashiers, cooks, assistants and middle management positions.

D. Wagner-Peyser Act of 1933 (As Amended)

The Wagner-Peyser Act of 1933, as amended, authorizes the establishment and operation of the Federal-State employment security system to help individuals find jobs and assist employers in locating qualified workers. Amendments to the Act in 1954 expanded the program by requiring every local employment service (or job service) office to designate at least one staff

member as responsible for helping severely handicapped individuals locate training resources and/or suitable employment.

Applicants are considered handicapped if they have physical, mental or emotional impairments that constitute an obstacle to their employment. Alcohol and drug abusers are included. The goals of the Employment Service's program for handicapped persons cover: 1) equal opportunity for employment and equal pay in competition with other applicants; 2) employment at the highest skill level permitted by their occupational qualifications; 3) satisfactory adjustment to chosen occupations and work situations; and 4) employment that will not endanger others or aggravate the individual's disability(s). The Act also requires State employment services to coordinate their activities with State vocational rehabilitation agencies.

More than 2,000 Employment Service Centers are located throughout the United States. Available data on the number of handicapped persons served under this Act are for Fiscal Year 1981. During that year, counseling and placement assistance were the main services provided to handicapped applicants. Handicapped applicants accounted for 4% of all applicants; 152,000, or 21% of those who registered were placed in jobs (DOL, 1982). As indicated by these figures, the placement of persons with disabilities by the Employment Service Centers has been extremely low.

E. Targeted Jobs Tax Credit (TJTC)

The Targeted Jobs Tax Credit Program (Deficit Reduction Act of 1984) provides tax credits for employers of disabled individuals.

The tax credit is 50% of the qualified first-year wages up to \$6,000 and 25% of the qualified second-year wages up to \$6,000 for each eligible

employee. This provides up to \$4,500 in Federal tax credits for each eligible employee. Eligible employees include:

- 1) vocational rehabilitation referrals
- 2) economically disadvantaged youths
- 3) economically disadvantaged Vietnam-era veterans
- 4) Supplemental Security Income (SSI) recipients
- 5) General Assistance recipients
- 6) youths participating in a cooperative education program
- 7) economically disadvantaged ex-convicts
- 8) involuntarily terminated Comprehensive Employment and Training Act (CETA) employees who started work for the employer after August 13, 1981, and before January 1, 1983
- 9) eligible work incentive employees or
- 10) qualified summer youth employees.

In order for an employer to claim tax credit on wages paid to a (newly-hired) employee, that employee must be certified as a member of a targeted group by the designated local agency (generally the local office of the State Employment Services Agency). In some States this certification authority is delegated to the State Rehabilitation Agency (for certification of persons with disabilities).

Number Served. In Fiscal Year 1984, 563,381 persons were certified under the Targeted Jobs Tax Credit Program. Of that number, 38,263 were vocational rehabilitation referrals (disabled individuals) (U.S. Department of Labor, 1985). The U.S. Treasury Department and the Department of Labor have conflicting data about the cost of this program to the government.

F. Section 190 of the Tax Code

• The Tax Reform Act of 1976 (P.L. 455) (included in the Deficit Reduction Act of 1984) reauthorized Section 190 of the Internal Revenue Code. Under Section 190, businesses are permitted to deduct up to \$35,000 for costs incurred in removing architectural and transportation barriers to the elderly and handicapped persons in any facility or public transportation

vehicle owned or leased for use in a trade or business. The new tax deduction provisions of Section 190 of the code are applicable for expenses incurred during the taxable years of 1984 and 1985. Data have not been collected on the cost of this deduction to the government.

G. Social Security Act - Title II - Section 222: Rehabilitation Services

The Social Security Program is regarded as an income maintenance program. However, one of the major objectives of both Title II (Social Security Disability Insurance) and Title XVI (Supplemental Security Income) is to encourage the rehabilitation of disabled people and assist them in entering or returning to productive employment.

A complete discussion of Titles II and XVI is included in the "Disincentives" paper that is included in this volume. A summary of the provisions related to rehabilitation and employment are discussed below.

Sections 222 and 1615 of the Social Security Act provide for the payment from Federal Trust Funds for the costs of vocational rehabilitation services to disabled SSI and SSDI beneficiaries. In Fiscal Year 1980, \$113 million and \$55 million were available respectively for SSDI and SSI recipients under the Beneficiary Rehabilitation Program. However, because of significant legislative changes, funding has decreased significantly under these provisions to about \$2.2 million in each of Fiscal Years 1983 and 1984.

The Beneficiary Rehabilitation program was changed drastically by the Omnibus Budget Reconciliation Act of 1981 in a way that created severe disincentives to severely disabled persons. Prior to this Act, vocational rehabilitation agencies were reimbursed for services provided to SSDI and SSI clients, regardless of outcome. The 1981 Act, however, changed this

to a performance reimbursement system so that vocational rehabilitation agencies are paid only if the client is sustained in employment paying SGA wages for a continuous period of five months.

This system creates a long time period between the provision of services and reimbursement to the States. It also discourages agencies from serving severely disabled persons who require lengthy periods of rehabilitation services, who do not have a high probability of earning above the SGA level, and who may require extensive long-term vocational support.

The Rehabilitation Services Administration and the Social Security Administration have conflicting data on the number of disabled persons rehabilitated under the Beneficiary Rehabilitation Program. However, both agree that there has been a decrease in services to SSI and SSDI beneficiaries.

Changes need to be made in the reimbursement system so that SSI and SSDI beneficiaries receive adequate rehabilitation services. One strategy to improve the system would be cost-sharing for services provided, regardless of outcome.

H. Disabled Veterans Programs

A number of special programs help meet the employment needs of veterans with disabilities. Some are available through the Veterans Administration (VA), while others are available through other agencies that serve all persons with disabilities.

VA programs have an enormous impact on the lives of millions of Americans. Congress appropriated \$26.5 billion in Fiscal Year 1984 to ensure

that the Agency would provide benefits and services to the nation's veterans and their dependents. Approximately 60% of the VA budget in Fiscal Year 1984 was allocated to fund benefit payments under Department of Veterans Benefits (DVB) programs, including compensation and pension, education, loan guarantee and vocational rehabilitation. Almost \$14 billion was authorized to fund monthly compensation and benefit payments to 4.3 million veterans and survivors.

The VA provides many services; however, this section highlights only the Vocational Rehabilitation and Counseling Program.

1. The Department of Veterans Benefits (DVB). DVB provides benefit counselors at more than 200 locations throughout the United States, Puerto Rico and the Republic of the Phillipines. Included in this number are 58 fully staffed regional offices which provide VA benefits to the local population of veterans and their survivors. All 58 regional offices employ counseling psychologists and vocational rehabilitation specialists who assist service-connected disabled veterans to use their VA benefits in the development and completion of formal rehabilitation plans.

The primary mission of Vocational Rehabilitation and Counseling (VR&C) is to provide all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, become employable and to obtain and maintain suitable employment. Service-connected disabled veterans who are eligible for these services are identified and encouraged by local VR&C staff members to apply for rehabilitation benefits.

2. Two New Initiatives at the VA. Two special pilot programs were established to help severely disabled veterans qualify for, obtain and maintain employment. Both programs were initiated on February 1, 1985, and will be in effect through January 31, 1989. All nonservice-connected disabled veterans added to the pension rolls during that period will be eligible for consideration of their ability to profit from vocational training. A veteran will continue to receive a pension during the period of training and employment services, although his or her pension will be reduced or terminated following adjustment in employment when work income exceeds the annual income limitation applicable to the pension. VA health care eligibility is preserved for a three year period following the date on which the pension is terminated due to income from work or training.

In the second new program, the total disability compensation rating based on individual unemployability of all service-connected disabled veterans who secure employment is protected for 12 months. Vocational training and/or employment services are available to assist these veterans to train for and secure employment.

Vocational Rehabilitation and Counseling has broadened its authority by offering programs consisting only of employment services to job-ready veterans. Prior to this change, service-connected disabled veterans were required to participate in training under either the VA or State vocational rehabilitation programs (Wyant, 1985).

According to Wyant (1985), in Fiscal Year 1985, 30,000 disabled veterans were enrolled in training. The majority were Vietnam-era veterans. Five thousand of these veterans developed employment plans; 70% are expected to go to work in a reasonable period of time.

3. Disabled Veterans Outreach Program. The Disabled Veterans Outreach Program (DVOP) was initiated as a temporary program in June 1977 as part of the Economic Stimulus Package. Passage of the Veterans Rehabilitation and Education Amendments of 1980 (P.L. 96-466) provided for a permanent Department of Labor-funded program.

The major objective of the Disabled Veterans Outreach Program is to locate jobless, disabled Vietnam-era veterans and assist them in obtaining suitable employment and/or training. Disabled Veterans Outreach Program staff develop employer contacts and work with community groups and local veteran's organizations to identify disabled veterans and to develop job opportunities for them in both the public and private sector. DVOP staff have contributed to the placement of more than 160,000 disabled veterans since the inception of the program in Fiscal Year 1984. Data was not available for Fiscal Year 1985.

4. Emergency Veterans Job Training Act of 1983 (P.L. 98-77). This Act was passed by Congress in October, 1983 and responsibility for implementation is shared by the Veteran's Administration and the Department of Labor. It provides employment opportunities for the long-term unemployed veteran of the Vietnam or Korean War. In order to qualify, a veteran must have been unemployed for at least 15 weeks of the past 20 weeks prior to applying for certification. The veteran registers at the Employment Service Center and is then certified by the Veteran's Administration. The Department of Labor matches the veteran with the job.

The Veteran's Administration is also responsible for certifying employers. Employers must have training programs available, primarily on-the-job training. The veterans participate in the training for the first

six months (or nine months in the case of disabled veterans). The training (position) must lead to full-time, permanent employment. The employer receives one-half the starting wages up to \$10,000 of the first year's wages.

The program began in November 1983 with no operational funds appropriated. Subsequently, Congress appropriated \$150 million for employers. The goal was to place 30,000 veterans into employment; however, more than 45,000 veterans have found employment as a result of this program, representing a 35% increase over goal. Unless this Act is extended, no additional veterans will be certified. Currently 97,000 veterans are certified eligible (veterans must certify every 60 days). Employers have until July 1, 1986 to initiate the training programs in order to qualify.

Data were not available on the number of veterans with disabilities who were placed by this program. However, this program is doing an outstanding job of creating employment opportunities for veterans and should be continued.

I. President's Committee on Employment of the Handicapped

The President's Committee on Employment of the Handicapped, a coalition of national organizations and individual volunteers who have pooled their resources and efforts for the economic and social betterment of physically and mentally disabled workers, has as its goals:

- o the creation of a more favorable climate of acceptance of handicapped individuals
- o the elimination of barriers and the creation of pathways to employment for handicapped workers
- o the more complete assimilation of handicapped citizens into the life of their community (Posner, 1984).

The President's Committee sponsors an annual conference that brings together persons with disabilities, professionals in the field of rehabilitation, parents and employers. In addition, the President's Committee conducts public awareness programs that describe persons with disabilities and their ability to work. A variety of publications related to employment are published by the President's Committee.

Recently, the President's Committee on Employment of the Handicapped established a nationwide computerized network of information on how employers have made accommodations to functional limitations of disabled workers, thus enabling them to be employed or to return to work. The Job Accommodation Network (JAN) is organized for employers by employers. JAN offers a free data base of information about what companies have done to meet special needs. For example, an employer trying to help a paralyzed line manager return to work can learn how other organizations adjusted similar jobs to comparable limitations. JAN puts employers in touch with other employers. The benefit/cost ratio is particularly favorable when an accommodation allows an injured employee to return to work. Accommodations usually are not expensive. This computerized data base is located at West Virginia University. It receives financial support from the National Institute of Handicapped Research and the Rehabilitation Services Administration.

J. Non-Profit Organizations and Agencies

Hundreds of national non-profit organizations and agencies assist persons with disabilities to become gainfully employed. Three are highlighted below.

1. Association for Retarded Citizens (ARC). ARC was organized in 1950, primarily by parents. Since that time, the Association has grown into a membership of over 160 thousand. Local ARC's are located across the United States, providing an array of services to retarded citizens. The Association for Retarded Citizens will reimburse the employer for the first 320 hours of employment of a mentally retarded person hired through the Association in a major on-the-job training program. ARC pays one-half of the person's wages for the first 160 hours of work and one-quarter for the second 160 hours. ARC has placed over 35,000 mentally retarded individuals since beginning the OJT program in July, 1967.

2. Mainstream, Inc. Mainstream is a non-profit organization based in Washington, D.C. It was founded in 1975 to aid handicapped individuals by helping employers create an accessible environment for handicapped persons and meet compliance demands of recent legislation. Mainstream's compliance consultation services include accessibility surveys of facilities. They have found that many barriers have nothing to do with accessibility; that is, costs to employers are usually far less than assumed--perhaps as low as one cent per square foot.

Mainstream provides a national referral service available to employers and persons with disabilities. Also it teaches organizations how to use job analyses to match up the abilities of potential employees with the job, instead of redefining the job. It provides information on qualified applicants with disabilities. Information services include a quarterly newsletter, a hotline for compliance questions, national and regional conferences on hiring, and seminars on interview techniques and human relations training.

3. Goodwill Industries. Goodwill Industries is a very familiar, national name. Most Goodwills provide personal and work adjustment training,

vocational training, and employment in sheltered workshops and in competitive settings. In Fiscal Year 1984, Goodwill Industries (nationally) placed into competitive employment more than 11,000 persons with disabilities.

K. Private Sector Initiatives

The in-house return to work programs at the following three major companies are reflective of what some private companies are doing to hire and retain persons with disabilities in employment.

1. Minnesota Mining & Manufacturing Company (3M). For the past 12 years, the Minnesota Mining & Manufacturing Company has had a rehabilitation project called the Disability Management Program. The company has hired a licensed psychologist and a certified rehabilitation counselor to run it. 3M chose this route because its own staff is always available, can readily identify employees who need help, is familiar with company structure, has quick access to information and can easily provide follow-up services to rehabilitated employees.

The Disability Management Program focuses on current 3M employees. The goal of the program is to have employees who become disabled receive the therapeutic and rehabilitative services that will enable them to stay on the payroll and work to full capacity. The program stimulates production and controls insurance rates and disability payments. 3M believes that its internal program is cost effective. Smaller companies would need to rely more on help from rehabilitation agencies, but could count on getting similar results.

2. Control Data Corporation. The Control Data Corporation runs a selective placement and rehabilitation program for disabled employees. Control Data's objectives are to prevent the waste of human resources, to maintain productivity, and to save on disability payments. The Corporation is satisfied that its program is meeting all three objectives.

Control Data calls part of its program "Homework." It is an example of how a corporation can put its own technology to good use for itself as well as for its disabled employees. Homework provides training through the PLATO computer-based education system and then employment. A PLATO terminal can be installed in anyone's home and linked to terminals at the office or at nearly any other location.

The economic benefits to the company are substantial. The psychological benefits to employees are inestimable (Pati & Morrison, 1982).

3. Sears, Roebuck and Company. Sears, Roebuck and Company presents its programs in its excellent Selective Placement Program and Manual, which is given to all the company's supervisors and managers. It covers company policy, recruitment sources, the interviewing and hiring process, record keeping, audits and reviews, the affirmative action plan, a definition of cases that require physical examinations, access to the facilities, and information on each unit's disabilities and disabled employees. The manual reveals the thoroughness and commitment that make the program work.

All Sears employees complete a selective placement survey that gives them an opportunity to identify their disabilities. The company processes the surveys and codes them for disability and accommodation. Most accommodations entail little expense for the company. Accommodations can be made at little or no cost or inconvenience but with considerable benefit to both employees and employers.

As illustrated by these companies and a long list of others, businesses are discovering that hiring persons with disabilities and/or establishing return-to-work programs for employees who develop disabilities make good business sense.

It is best summed up by the comments of Colby H. Chandler, Chairman and Chief Executive Officer, Eastman Kodak Company: "American industry finds itself with an opportunity--a rich resource in the 35 million Americans described as disabled. Hiring and training men and women who are disabled is clearly a plus--for companies, for those eager to help themselves, and for our economy" (PCEH, 1985).

L. Gaps in Legislation and Programs

Following are some of the gaps in legislation and programs that create barriers to persons with disabilities becoming gainfully employed.

1. Lack of Incentives for Employers to Hire Persons With Disabilities.

More than 80 percent of the job vacancies existing today are in the private sector.

Employers must be motivated to hire disabled persons. Even though some companies such as Kodak, DuPont, IBM, 3M, Control Data, and AT&T have made concerted efforts to hire and retain persons with disabilities, other companies need to be convinced that employing persons with disabilities is good business.

The attitudes, discrimination, myths, prejudice and stereotypes that exist among some employers affect the disabled person's entry into the labor market. It has long been a truism in the rehabilitation field that the major barrier to employing the handicapped is the negative attitudes

(nurtured by the twin bogeys--fear and ignorance) of the employers (Pati, Adkins & Morrison, 1981). The authors examined two studies and found the adage to still be true. However, employers working through PWI's had improved attitudes regarding the hiring of persons with disabilities.

Research studies indicate a wide range in attitudes among employers which, in effect, can be considered as authentic or false (unrealistic) positive stereotypes, or negative stereotypes, which can consequently create employer prejudice and employer discrimination against disabled persons (Schroedel & Jacobsen, 1978).

2. Lack of Upward Mobility for Disabled Persons Placed into Employment.

Most persons with disabilities are placed into entry level positions. In order to be promoted, in some cases additional training may be needed or a piece of equipment provided. Who provides this training? Who pays for this piece of equipment? There have been cases reported where persons with disabilities have remained in the same entry level positions for more than twenty years.

3. The Need For Well Trained Rehabilitation Professionals. In most State agencies, the vocational rehabilitation counselor has the responsibility of placing the client into employment. Counselors must be skilled in job development and job placement techniques and have the ability to work effectively with the business community. A large number of counselors are inadequately trained in the area of job development and job placement. Some are uncomfortable with contacting the employment community.

4. Work Disincentives Posed by SSI and SSDI. The average income of a SSDI recipient is \$456 per month; \$345 for a SSI recipient. The recipients also receive Medicare or Medicaid. The thought of becoming employed and

losing a stable income and medical benefits is very difficult for a disabled individual who receives SSI or SSDI benefits.

In order for the individual to consider working, the salary must be considerably higher than the benefit, and the company must offer group health insurance (a lot of insurance companies do not provide coverage for persons with disabilities). The thought of losing medical benefits often prevents a disabled SSDI or SSI beneficiary from entering the workforce or returning to work.

Additionally, workers' compensation can also be regarded as a disincentive. Workers injured on the job may not return to work for the fear of losing benefits.

5. Inaccessible Work Environments. Due to inaccessible transportation, buildings and job sites, persons with disabilities often are unable to function independently and become gainfully employed. Being able to get to work is a prerequisite for all persons who want to work. Inaccessible transportation is a major problem for disabled people who want to work.

6. Inadequate Service Provision to Persons with Disabilities Under the Job Training Partnership Act. Data were not available on the number of disabled persons served. However, the feeling exists that disabled persons are receiving less services under JTPA than CETA. Disabled persons are not eligible based upon their disabilities, but must meet income eligibility criteria. Disabled persons must meet an income level unless treated as a single household.

7. The Need For a Coordinated and Organized Selective Placement Program and Trained Selective Placement Coordinators in the Federal Government. Selective placement coordinators are not required to maintain records on the number of persons with disabilities recruited or hired within their

respective agencies. Also, it is difficult to find out from selective placement coordinators the number of persons with disabilities who are employed within the agency.

For the most part, selective placement coordinators are promoted from clerical positions and/or may perform many other duties in addition to serving as the selective placement coordinator. Some selective placement coordinators may not possess a knowledge of disabilities, functional limitations and issues effecting job accommodations. There is no agreement within agencies on where the selective placement coordinator should be located. The selective placement coordinator usually is housed either in the personnel office or in the Office of Equal Opportunity.

V. SHELTERED EMPLOYMENT

In society today, a large number of disabled persons have disabilities so severe that employment in a competitive setting is a distant and often unrealistic goal. For this group of disabled individuals, employment, if any, is found primarily in the noncompetitive setting or sheltered workshops.

Since 1963, the Federal Government has taken many actions to improve employment opportunities and labor standards for persons with severe disabilities. As the demand for community services for persons with disabilities increased, sheltered workshops played an important role by providing both training and employment for severely disabled persons (as defined in the Rehabilitation Act).

Approximately 4,000 sheltered workshops provide employment, evaluation, training and other rehabilitation services to about 200,000 severely disabled persons daily. Because of the current movement of persons out of institutions and into community settings, many more individuals with mental disabilities are in need of community-based employment and training services (GAO, 1981).

A wide range of training and job preparation programs are available to disabled persons, depending on their level of education, vocational potential, and previous employment experience. For severely disabled persons, however, these services are likely to be limited to programs provided in work activities centers, developmental centers or other sheltered workshops. Some severely disabled persons may move into competitive employment in the community after training, but most, because of the severity of their handicapping condition, require long-term training and sheltered employment.

Although the term sheltered workshop is commonly used, it does not have a common meaning. In this paper, a sheltered workshop is any vocationally oriented rehabilitation facility which provides 1) training, including sheltered employment for severely disabled workers who have potential for competitive employment, or 2) full-time employment for severely disabled persons who cannot move from sheltered into competitive employment. Sheltered workshops provide a controlled, work-oriented environment to assist handicapped persons develop their optimal level of vocational and social functioning.

A. Legislation and Programs

The Federal Government has played a major role in the growth and development of sheltered workshops, including providing a variety of funding sources, establishing special procurement opportunities and regulating workshop employment practices and procedures.

1. Federal Financial Assistance for Sheltered Workshops. Enactment of the Mental Retardation Facilities and Community Mental Health Centers Construction Act (Public Law 88-164, 77 Stat. 282) in 1963 provided the basis for a major Federal effort to develop and improve services for severely handicapped people. The Act provided for Federal assistance in establishing sheltered workshops for mentally retarded persons through grants for new construction and expansion of existing buildings, employing staff, and purchasing equipment.

The 1965 Amendments to the Vocational Rehabilitation Act (Public Law 89-333, 70 Stat. 1282) authorized a comprehensive program of Federal financial assistance for rehabilitation facilities (including sheltered work-

shops), established a technical assistance program for improving workshops, and mandated statewide planning of sheltered workshops and other rehabilitation facilities.

Enactment of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (Public Law 91-517, 84 Stat. 1316) also provided for statewide planning of services and facilities for persons with developmental disabilities as well as Federal financial assistance for providing services and developing facilities, including sheltered workshops.

Amendments of the Social Security Act in 1967, 1972, and 1974 provided Federal financial assistance for social services for handicapped persons who were recipients or potential recipients of public assistance. Through these amendments, sheltered workshops received Federal funds for providing rehabilitation and social services for improving the level of economic independence or employability of handicapped persons.

The passage of the Rehabilitation Act of 1973 (Public Law 93-112, 87 Stat. 355) provided for a wide variety of rehabilitation services for severely handicapped persons. Under the 1973 Act, Federal funds were used for establishing and conducting vocational rehabilitation programs for assisting disabled persons to prepare for and engage in competitive employment to the extent of their capabilities. State rehabilitation agency staff provide referral, counseling and guidance, and placement services. They also coordinate and authorize the acquisition of needed services from other public programs or purchase the required services on a fee-for-service basis from the private sector, including sheltered workshops or rehabilitation facilities.

Sheltered workshops also receive Federal funds through programs established by other Federal laws, including the Vocational Education Amendments

of 1968 (Public Law 90-576, 82 Stat. 1064) for funding staff or providing services for training the handicapped; the Small Business Investment Act Amendments of 1972 (Public Law 92-595, 86 Stat. 1314) for financial assistance, through loans or loan guarantees, for producing and marketing commodities and services; the Rehabilitation, Comprehensive Services and Developmental Disabilities Amendments of 1978 (Public Law 95-602, 92 Stat. 2955) for providing services or developing facilities; and the Comprehensive Employment and Training Act of 1973 (Public Law 93-203, 87 Stat. 839) (currently JTPA) for providing job training and employment for economically disadvantaged, unemployed, or underemployed persons.

2. Employment Opportunities in Sheltered Workshops. The Wagner-O'Day Act, as amended (Public Law 92-28, 85 Stat. 77), created the Committee for Purchase from the Blind and Other Severely Handicapped to establish a list of suitable products and services which the Federal government must purchase from designated sheltered workshops. The original law, enacted in 1938, required procurement only from workshops for the blind. However, amendments in 1971 extended coverage to sheltered workshops serving other severely handicapped persons. The Committee's primary purpose is to increase employment opportunities for blind and other severely handicapped persons.

In 1980, amendments to the Small Business Act (Public Law 96-302, 94 Stat. 839) authorized public and private nonprofit organizations to participate in the small business set-aside program. The set-aside program is administered by the Small Business Administration and is designed to increase the number of Federal contracts awarded to small businesses. Under this program, the Small Business Administration works with Federal procurement agencies to identify commodities and services which do not require large

facilities, organizations, or investments for the bidder to be competitive. The law limits the participation of public and private nonprofit organizations, including sheltered workshops, to Fiscal Years 1981, 1982, and 1983. Also, the total amount of set-asides for these organizations may not exceed \$100 million in any year.

3. Protection of Wages of Disabled Workers in Sheltered Workshops.

The Fair Labor Standards Act of 1938, as amended, established provisions and standards for recordkeeping, minimum wages, overtime pay, child labor, and equal pay. These basic requirements apply to employees engaged in interstate commerce or in the production of goods for interstate commerce. The Act provides special exemptions³ from its requirements for workers employed in certain occupations or establishments, including sheltered workshops. For example, the Secretary of Labor is authorized to issue special certificates for employing handicapped workers in sheltered workshops at wages lower than the statutory minimum (now \$3.35 an hour) to encourage sheltered workshops to hire handicapped workers who are not capable of earning the statutory minimum because of low productivity. Under the Act, the wages paid handicapped workers in sheltered workshops must be commensurate with those paid nonhandicapped workers in local industry for essentially the same type, quality, and quantity of work. Labor is also responsible for monitoring sheltered workshops' compliance with the Federal standards.

The Service Contract Act of 1965, as amended, provides labor standards protection for employees of contractors furnishing services to the Federal Government. Some examples of services covered under the Act include laundry and dry cleaning, mail transportation, custodial, janitorial, grounds main-

tenance, security and guard services, packing and crating services, cafeteria and food service, aerial survey, ambulance services, equipment repair and maintenance services, inventory services, linen supply services, lodging services, support services at military installations, drafting and illustrating services, computer operation and repair, keypunching services, warehousing or storage services. Under the Act, workers performing services under a Federal contract must receive wages not less than the minimum wage specified under the Fair Labor Standards Act and, for contracts exceeding \$2,500, the minimum wages and fringe benefits must be based on rates determined by the Secretary of Labor to be prevailing for service employees in the locality.

The Walsh-Healey Public Contracts Act provides labor standards protection for employees of contractors manufacturing or furnishing materials, supplies, articles, and equipment to the Federal Government for all contracts exceeding \$10,000. Under the Act, employees must be paid wages not lower than the minimum wages determined by the Secretary of Labor to be prevailing in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under the contract. In the absence of a higher minimum wage, the minimum rate established by the Fair Labor Standards Act must be paid.

4. Sheltered Workshops. Sheltered workshops are established and operated at the State and local levels to address rehabilitation and employment needs of persons with disabilities. Although sheltered workshops primarily serve persons with disabilities, some workshops serve only clients with a specific disabling condition, while others serve clients having a broad range of disabilities. While the types of disabling conditions may

vary considerably, the major disability groups include mentally retarded, mentally ill, visually impaired, and orthopedically handicapped individuals. According to the Department of Labor's March 1979 study of sheltered workshops (based on a 1976 personal interview survey), persons with mental disabilities comprise 83% of the workshop population, physically disabled workers account for 10% and socially disabled workers for 7%. Although sheltered workshops are the principal, and often the only, source of employment for severely disabled people, sheltered workshops do not necessarily employ only workers with disabilities. Many sheltered workshops employ, on a full- or part-time basis, nondisabled workers.

Most workshops provide a wide range of vocational and rehabilitation services, such as:

- evaluation (testing, vocational determination, or continuing review of development),
- work adjustment training (acceptance of supervision, cooperating with fellow workers, or developing good work habits),
- vocational training (developing or improving occupational skills), and
- placement services.

At some workshops, the range of services provided is very limited.

Generally, sheltered workshops are classified as either a 1) regular workshop program or 2) work activities center. A regular workshop program is one in which the employment opportunities for persons with disabilities are stressed. In contrast, a work activities program is generally defined as a center which is planned and designed exclusively for providing therapeutic activities for persons with disabilities whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

In work activities centers, the primary emphasis is on therapy rather than on work (GAO, 1981).

According to the Department of Labor's statistics, there were 1,689 regular workshop programs and 3,079 work activities centers at the end of Fiscal Year 1979. In many instances, a rehabilitation facility will operate both a regular workshop program and a work activities center. Labor's statistics show that 3,877 organizations operated a regular program, a work activities center, or both at the end of Fiscal Year 1979. However, Labor's statistics overstate the number of individual organizations operating sheltered workshops because Labor considers each branch location as a separate workshop. Some workshops operate totally from a central location, and others operate as many as nine branch or satellite locations.

State vocational rehabilitation agencies place clients that they consider incapable of normal competitive employment in extended employment in sheltered workshops. Most are severely disabled, and many are mentally retarded. Severely disabled persons are placed in sheltered employment after receiving vocational rehabilitation services, such as evaluation, training, counseling, and medical services.

To assure that these former vocational rehabilitation clients do not remain in sheltered employment longer than necessary, the Rehabilitation Act of 1973 requires that their potential for competitive employment be periodically reevaluated. The Act requires that each State provide for 1) periodic review and reevaluation of the status of individuals with disabilities placed in extended employment in sheltered workshops to determine the feasibility of their employment, or training for employment, in the competitive labor market, and 2) maximum efforts to place workshop participants in employment or training whenever feasible.

Data was not available on the number of disabled persons reevaluated and placed into competitive employment by vocational rehabilitation in Fiscal Year 1984. However, in Fiscal Year 1982, 14,509 clients were closed in sheltered employment by State vocational rehabilitation agencies.

No clear, concise data are reported on or by sheltered workshops. Different organizations keep various data depending on their needs. For example, the National Industries for the Severely Handicapped (NISH), which is a nonprofit organization that provides technical assistance to sheltered work centers interested in securing Federal contracts under the mandatory procurement provisions of Public Law 92-28, the Javits-Wagner-O'Day Act, maintains data on procurement.

NISH was organized in 1974 at the suggestion of Congress. Its establishment was supported by a coalition of national agencies long connected with serving handicapped individuals. They are:

- o Association for Retarded Citizens
- o Goodwill Industries of America
- o National Association of Jewish Vocational Services
- o National Association of Rehabilitation Facilities
- o National Easter Seal Society
- o United Cerebral Palsy Associations

The primary objective of NISH is to provide jobs for severely disabled people and promote their placement into competitive industry.

The following is the Annual Configuration Statistics reported by NISH for Fiscal Year 1984.

	JWOD CONTRACTS	NON-JWOD CONTRACTS	TOTAL AGENCY
WAGES			
Direct labor wages paid to severely handicapped individuals	\$19.8 m	\$33.1 m	\$52.9 m
Average hourly wage paid to all severely handicapped individuals	\$ 3.50	\$ 1.48	N/A
Average hourly wage paid to severely handicapped individuals in WAC's	\$ 1.76	\$ 0.93	N/A
Average hourly wage paid to severely handicapped individuals excluding those people in WAC's	\$ 4.10	\$ 2.19	N/A
JOBS/PEOPLE			
Number of severely handicapped individuals employed	10,365	37,990	48,355
Percent of blind individuals employed (including blind and other handicap)	1.1%	1.5%	1.4%
Percent of severely handicapped individuals placed in competitive employment	9.8%	10.3%	9.8%
Severely handicapped direct labor ratio	85/15	N/A	91/9
SALES			
Agency Sales	\$85.3 m	\$132.1 m	\$217.4 m

N/A - Information not applicable or not available from the data submitted.

A significant portion of government procurements are made by State and local governments. Many States have longstanding programs mandating purchases from prison industries. These laws, known as "State use laws," are usually applicable to products produced in State prisons. While State public work laws are applicable to services under the rubric of State use

laws, approximately 40 States have also included products and services provided by disabled workers. Other States created freestanding legislation directed solely at improving employment opportunities for disabled workers.

One of the most successful and well established programs is Industries for the Blind of New York State, Inc. In 1983, annual sales of the 10 facilities exceeded \$5 million. Items such as maintenance equipment, maps of various sorts, brooms, miscellaneous brushes, textile products, flags, reflective safety equipment and vinyl portfolios are purchased by the State of New York and distributed throughout State agencies.

B. Gaps in Legislation/Programs

The following major gaps exist in legislation and/or programs that focus on sheltered employment.

(1) Persons with disabilities who are placed into sheltered employment are often left in the setting without reevaluation to determine if they can move into competitive employment. Often workshop staff retain the best workers in order to keep productivity at a high level.

(2) Sheltered workshops are allowed under the Fair Labor Standards Act to pay disabled workers at a rate lower than the statutory minimum wage (but not less than 50%) unless specifically exempted.

Most workshops populations were employed under the Department of Labor's special exemption certificates at the end of Fiscal Year 1979 (GAO, 1981).

VI. RECOMMENDATIONS

As for most Americans, a major prerequisite to economic self-sufficiency for individuals with disabilities is a job. Employment is an essential key to successful adult integration into community life. Various forms of work are associated with greater independence, productivity, social status, and financial security. Success and quality of life are often measured in terms of paid employment.

Studies indicate that only one-third of youths with disabilities leaving school graduate to a job or some form of advanced education. The absence of a systematic vocational transition process for youths with disabilities significantly contributes to the unemployment rates of persons with disabilities. Of the approximately 12.9 million working age persons reporting a work disability, only 4.2 million (or 32%) were working at the time of the 1980 Census.

Reasons for high unemployment and underemployment among persons with disabilities include the lack of an effective transition process from school to work for youths with disabilities; societal attitudes which cause employers to discriminate against persons with disabilities; physical and communication barriers in buildings, transportation, and worksites; and the lack of appropriate training opportunities for persons with disabilities.

State/Federal vocational rehabilitation agencies, projects with industry, return-to-work programs (established by some businesses), and selective hiring authorities within the Federal Government have increased employment opportunities for persons with disabilities. Although programs such as these encourage education and employment, they are inadequately

meeting the goal of successfully integrating persons with disabilities in schools, workplaces, and the community.

To increase employment opportunities for people with disabilities, programmatic changes are needed in several areas.

Transition

1. Congress should direct the Department of Education to designate the State educational agency as the lead agency to start, develop, and carry out the transition planning process.

This nation has invested heavily in special education; to capitalize on this investment, it is necessary for the Federal Government to assure that each youth in a special education program be guaranteed a well-developed, organized and coordinated transition process from school to work.

The regulations accompanying Public Law No. 94-142 should be modified to make the State Education Agency responsible for the transition process. The State and local education agencies should be responsible for initiating and carrying out the transition process, including contacting the appropriate personnel in regular and special education, vocational education, vocational rehabilitation, community colleges, developmental disabilities, and other agencies from whom each student receives services. To support this effort, the regulations should set the following minimum guidelines:

- o The planning process is to begin no later than ninth grade, with parents and students actively involved.
- o A formal written plan with long- and short-term goals and objectives that include functional skills for employment and daily living is to be prepared and updated annually by the lead agency in consultation with the student, parents, and other involved agencies. Parent and student approval of the plan should be required in writing.

2. Congress should direct the Department of Education to strengthen regulations requiring the involvement of education coordinators and vocational rehabilitation counselors in the transition process.

Vocational rehabilitation counselors and education coordinators (including general, special, and vocational education) should be actively involved in the transition process. In addition to prescribing such participation, the regulations should provide minimum standards for the training of vocational rehabilitation counselors and education coordinators in regard to the transition process. Training should focus on strategies for involving employers and families in the transition process, as well as eligibility requirements, and pertinent special education and vocational education techniques. These training requirements, coupled with the State Education Agency taking the lead for transition services (Recommendation #1 above), will establish the foundations for a coordinated transition process. These recommendations can be implemented without additional expenditures of public funds.

Supported Work

3. Congress should amend the Rehabilitation Act to add a title expressly authorizing programs of supported work for persons with severe disabilities who can be competitively employed with the assistance of such a program.

The term "supported employment" means paid employment which (a) is for persons with severe disabilities (such as developmental disabilities, chronic mental illness, and severe physical disabilities) for whom competitive employment at or above the minimum wage without support is unlikely, and who, because of their disabilities, need intensive ongoing support to perform in a work setting; (b) is conducted in a variety of settings, in-

cluding worksites in which persons without disabilities are employed; and (c) is supported by any actively needed to sustain paid work by persons with disabilities, including supervision, training and transportation.

If supported work programs were available, a large number of severely disabled persons residing in residential facilities could return to the community and become gainfully employed. Some pertinent figures indicate:

- o 499,169 persons with mental illness were served in 277 State hospitals for \$4.5 billion (Goldman, Gattozzi, and Taube, 1981).
- o 243,669 persons with mental retardation were served in 15,633 residential facilities for \$5.9 billion (Smith, 1984).
- o 1,396,132 elderly and physically disabled persons resided in 23,065 nursing homes (Sirrocco, 1983) and other long-term care facilities at a cost to Medicaid of \$12.4 billion (National Study Group on State Medicaid Strategies, 1983).

If permanent authorization and funding for supported work programs were in place under the Rehabilitation Act, these numbers could be significantly reduced. Congress appropriated \$3.7 million in Fiscal Year 1985 for grants for supported work programs. Permanent funding is needed to sustain these supported work activities and to develop others.

Funding for supported work programs will provide persons with severe disabilities an opportunity to work toward independence by becoming taxpayers rather than remaining dependent upon other taxpayers. Implementing this recommendation should not entail expenditures of additional public funds. For example, the Medicaid payment process could be modified to allow the funds a disabled person receives while in an institution to follow or accompany the person to the community to pay for educational and vocational services including supported work. Medicaid payments for individuals employed in supported work situations should be much less than if such people remained in institutions. Likewise, the Title XX program funds

day activity programs for severely disabled persons not eligible for vocational rehabilitation services. Some portion of funds from that program should be re-directed to provide supported work services for this population, since studies show that many severely handicapped individuals are capable of productive work if given appropriate support services. This change would not involve an increase in funds or an increase in persons served. Rather, day activity programs would simply be encouraged to provide vocational services as part of their programming.

Federal Support For Private Sector Initiatives

4. Congress should extend and expand the Targeted Jobs Tax Credit Program (Deficit Reform Act of 1984).

The Targeted Jobs Tax Credit Program should be made permanent with greater first year tax credit allowances. The TJTC Program should expressly authorize employer tax credits for: reemploying persons who become disabled on the job, hiring disabled persons in higher-than-entry-level positions, and assisting disabled employees who must relocate. Credits should also be allowed for training disabled employees in high demand technical areas.

The existing Targeted Jobs Tax Credit Program gives employers a financial incentive to provide disabled job seekers an opportunity to demonstrate their capabilities. The recommendation to extend and expand this program should result in a net benefit to the Federal Treasury, because the taxes paid by disabled employees assisted by the program should greatly exceed the tax credits allowed to employers. In Fiscal Year 1984, according to the Department of Labor, 38,263 disabled persons were certified under the Targeted Jobs Tax Credit Program.

5. Congress should make Section 190 of the Internal Revenue Code permanent and expand it to a maximum amount of \$75,000 per year.

Section 190 encourages accessibility and increases employment opportunities for persons with disabilities by allowing a tax deduction for the removal of architectural barriers. This incentive encourages employers to hire persons with disabilities and elderly people for jobs suited to their needs and talents. Before these individuals can become full working members of society, the workplace must be accessible.

6. Congress should develop innovative and effective incentives to promote the establishment of return-to-work programs.

Incentives should be developed to promote the establishment of return-to-work programs by employers. Return-to-work programs provide early intervention services (counseling, job analysis, etc.) for employees who may become disabled by an injury or illness.

According to Hood and Downs (1985), on-job accidents burdened the 1982 economy with an estimated \$31.7 billion in direct and indirect costs. After adding the \$24.9 billion cost of off-job accidents (about one third of which was borne by employers), the 1982 total cost was \$56.6 billion. During that year an estimated 100 million lost work days resulted from disabling injuries and another 40 million lost days were caused by disabilities from prior years.

Effective return-to-work programs will reduce the cost of health and income maintenance programs by reducing the number of persons with disabilities who are not working. Effective return-to-work programs have been established by businesses such as Minnesota, Mining and Manufacturing Company, Eastman Kodak, and Control Data.

Job Development and Placement

7. Congress should support the development of area model centers on employment for persons with disabilities.

Model centers on employment for persons with disabilities should be established to demonstrate and disseminate information about innovative or "cutting edge" employment strategies. The functions of the centers would include: job analysis; job restructuring; disseminating state-of-the-art information on employment strategies, vocational education, models for coordination of special education, rehabilitation, and vocational education, job development, and placement.

These model centers should be developed through a cooperative effort of the Department of Labor, the National Institute of Handicapped Research, and the Rehabilitation Services Administration (RSA), State and local governments and the private sector, with RSA having the lead role in establishing and operating the centers.

Job Training

8. Congress should amend the Job Training Partnership Act (JTPA) to eliminate the income eligibility requirement for persons with disabilities and to increase the representation of persons with disabilities on Private Industry Councils.

Although the current JTPA legislation helps to increase the employment and decrease the dependency of disabled persons, it has shortcomings. Disabled persons are not being adequately served by JTPA because unlike its predecessor, the Comprehensive Employment and Training Act, JTPA does not consider a person eligible because his/her handicap constitutes a barrier to employment. Income eligibility criteria must be satisfied in order to receive services. In addition, few individuals who understand the needs of

persons with disabilities are represented on the Private Industry Councils that direct local JTPA programs. For this legislation to be of substantial benefit to disabled persons, the Department of Labor should ensure that:

- o The State Job Training Coordination Councils and the local Private Industry Councils include people who understand the needs, capacities and capabilities of disabled persons, particularly including persons who themselves have disabilities.
- o State and local plans have provisions for projects that address the needs of disabled persons.
- o Councils place a priority upon and develop methods for achieving the participation of disabled persons in their programs.
- o JTPA programs have vocational education and vocational rehabilitation components.
- o Parents and educators are informed of the programs available for people with disabilities.
- o Data is collected on the number and percentage of disabled persons served.

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